

R E P O R T

of

The Jammu & Kashmir Commission of Inquiry

DECEMBER 1968



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COMPOSITION
OF
THE JAMMU & KASHMIR COMMISSION OF INQUIRY

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नमो भगवते वासुदेवाय

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APPENDICES



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CHAPTER I

SCOPE OF THE INQUIRY

1.01. The Jammu and Kashmir Commission of Inquiry was appointed by the Government of Jammu and Kashmir, in consultation with the Union Government, by their Order No. 878-D of 1967, dated 6 November 1967. Its terms of reference were as follows :—

- “(i) To make an assessment of the development programmes apportioned to the various regions of the State and to recommend measures necessary to give assurance that the resources available to the State Government are being shared equitably and also to convey a feeling of equal participation in the integrated development of the State.
- “(ii) To examine the recruitment policies of Government and to recommend measures for giving an equitable share in Government employment to the various regions and communities, having special regard to the claim of the Scheduled Castes and other economically, educationally and socially backward communities, classes and groups among the citizens of the State consistently with the maintenance of efficiency of administration.
- “(iii) To examine the policies of the State Government regarding admissions to institutions of higher education and the schemes of assistance by way of scholarships and loans, with a view to ensuring an equitable distribution of the available facilities to the various regions and communities, and having special regard to the claims of the Scheduled Castes and other economically, educationally and socially backward communities, classes and groups among the citizens of the State.
- “(iv) To consider generally the causes that lead to irritations and tensions and to recommend remedial measures.”

1.02. In considering the above matters, the Commission was required to take note of the provisions contained in Part III “Fundamental Rights” as well as other provisions of the Constitution of India as made applicable to the State of Jammu and Kashmir and of the Directive Principles of State Policy laid down in Part IV of the Constitution of Jammu and Kashmir and particularly of Section 23 thereof.

1.03. It took some time to secure the services of a senior and experienced officer to work as Secretary to the Commission. Mr. B. P. Bagchi, ICS, joined the Commission as its Secretary on 4 December 1967 and we held our first meeting in Delhi on the same day. We decided to call by public notice for memoranda from all parties, groups, associations, institutions, societies and individuals interested in the problems referred to the Commission, by 31 January 1968. We also decided that after the contents of the memoranda had been analysed, examined and collated, the Commission should visit Jammu and Srinagar for recording oral evidence. A Press-note to this effect was issued and paid advertisements published in most of the leading English dailies of the country and the local papers of the Jammu and Kashmir State.

1.04. In January 1968, the President of the Jammu and Kashmir Plebiscite Front wrote to the Chairman that his party "could not get necessary time to determine its attitude towards the Commission of Inquiry" or "to collect material required for submission to the Commission." He, therefore, requested that the last date for the submission of memoranda be extended. Similar requests were received from the National Conference and from Shri Kushak Bakula on behalf of the people of Ladakh and others. Many asked for an extension of time on grounds of the inclemency of the weather and the unusual severity of the winter in parts of the Jammu and Kashmir State which made them practically inaccessible. As these grounds were legitimate, the last date for the submission of memoranda was extended to 31 March 1968.

1.05. At three meetings held in Delhi on 15 December 1967, 5 and 6 January 1968 and 19 April 1968, we settled the various details pertaining to the functioning of the Commission's Secretariat and the programme and procedure of the Commission. The main decisions were :—

- (i) That the Commission should first visit Srinagar for recording evidence and then go to Jammu. Later, the Commission should visit the Valley again for recording further evidence. The evidence of the parties belonging to the Valley and Ladakh should be recorded at Srinagar in June and that of the parties of Jammu in the second half of August. The Commission should also visit such other areas, including Ladakh, as it might consider necessary.
- (ii) That the hearings by the Commission should be held in camera ; but in order to expedite the collection of evidence the State Government should be requested to depute a senior officer to be present at the sittings so that he could immediately take steps to furnish such information as might be required.

- (iii) That copies of memoranda received by the Commission should be supplied on payment of copying charges to those who had filed memoranda themselves and wished to give evidence before it.

1.06. We received in all 93 memoranda from different associations, groups and individuals. The list of those who submitted memoranda is given in Part A of Appendix 1. Certain parties first appeared before the Commission and subsequently submitted memoranda or supplementary memoranda or additional information, some of whom are listed in Part B of Appendix 1.

1.07. We also received a number of complaints or representations of a personal character. Some of these we referred to the State Government for such remedial action as they considered necessary and in response to certain others informed the persons concerned that the Commission was not going to deal with individual cases except those that might have relevance to its terms of reference.

1.08. Climatic conditions made it difficult for us to meet at Srinagar earlier than in June 1968. We held sittings daily at Srinagar from 6 June to 18 June 1968 (except on Sundays, 9 and 16 June) and heard the oral evidence of the associations, groups and individuals from Kashmir and Ladakh who had submitted memoranda and also of certain legislators and other individuals whom we had specially invited. A list of those who gave evidence at Srinagar is given in Appendix 2.

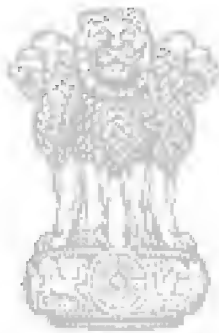
1.09. Sittings were held at Jammu daily from 22 August to 27 August 1968 for recording similar evidence. A list of those who appeared before us at Jammu is given in Appendix 3.

1.10. We assembled once again at Srinagar from 14 to 18 September 1968, mainly to hear, and hold discussions with, the Chief Minister and other Cabinet Ministers of the State and senior officers of the State Government. A list of those who appeared before us during this session is given in Appendix 4.

1.11. Certain representatives from remote areas desired us to visit them to get a first-hand knowledge of the conditions there and their disabilities. It was not possible for the Commission as a whole to visit these areas. One of us, however, paid a visit to Ladakh in June 1968 and heard many officials and non-officials both at Leh and at Kargil. Two of us paid a brief visit to Poonch and Rajouri in August 1968 and to Doda, Kishtwar and Bhadarwah in September 1968 where they met certain local individuals and groups. Some memoranda and representations, dealing mainly with local problems, were also presented to them on these visits which have been considered by the Commission.

1.12. We finally met at Bombay from 25 to 29 November 1968 to complete our Report.

1.13. We received the utmost courtesy, co-operation and consideration from the Government of Jammu and Kashmir and we have pleasure in placing on record our appreciation and thanks to them. Our thanks are also due to the Union Government for their co-operation and assistance. Finally, we should like to thank the political parties, local organizations and associations and individuals who took the trouble to submit memoranda to us and to assist us by a frank discussion of the matters in issue. We are particularly grateful to those who, at considerable personal inconvenience, came from far-off places in the interior to place their views on the subjects before us.



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CHAPTER II

PLEADINGS BEFORE THE COMMISSION

2.01. Of the 93 memoranda received by us, a little over one-third were from the Kashmir region, 51 from the Jammu region, four from Ladakh and six from outside the State. Only five (two from Jammu City, one each from Udhampur, Poonch and Srinagar) were from political parties while 12 were submitted by communal bodies. Of the rest, a little less than one-third were from associations, unions and communities, while the bulk of the remaining 47 were from individuals or groups of individuals. Forty memoranda were of a general nature and spoke only about the regions while 28 had a communal bias. In addition, 12 were more or less unrelated to our terms of reference, 11 were from backward or depressed classes and the remaining two from Ex-Army personnel. Some parties who appeared before us subsequently presented memoranda or additional memoranda to supplement their oral evidence.

2.02. An analysis of the memoranda and the oral evidence recorded by the Commission shows that the grievances put forward by the memorialists and the witnesses can be broadly classified under four major Heads pertaining to (i) Development, (ii) Employment, (iii) Education and (iv) Conditions giving rise to irritations and tensions. They can all be directly related to our terms of reference. Certain other grievances which fall in categories such as economic, fiscal, social and political, or those which pertain to a miscellaneous variety of subjects, such as tenancy laws, corruption in administration, breakdown of law and order, elections, discrimination in the issue of rations, etc. also have an inferential bearing on our terms of reference as causes tending to create irritations and tensions among the people.

2.03. *Development.*—The main complaint of several parties in regard to developmental matters was that planning was defective ; that it showed a marked regional bias, as a result of which certain regions or areas, notably the Jammu region, Ladakh and the hilly, inaccessible areas of the State, had received altogether inadequate attention and their development had suffered in consequence. The alleged neglect of the tourist spots in the Jammu region was another grievance frequently voiced. It was represented that although the area of cultivable land in the Jammu region was larger than that in the Kashmir region, fewer irrigation schemes were taken up there for implementation and the expenditure incurred on them was disproportionately low. There were complaints that proper attention was not being paid towards the construction of roads and bridges in the backward areas of Jammu and Ladakh and that even drinking water

facilities were not available in the Kandi areas of Jammu. The inadequacy of medical facilities, particularly the absence of mobile dispensaries, in the districts of Poonch and Kathua, was another grievance. The representatives from Ladakh pleaded that Ladakh was a delicate strategic area and needed special care and deft handling. Transport facilities, the prime need of this area, were woefully inadequate. They also stressed the need for providing enough electricity on a stable basis and for devising a suitable method whereby the funds allocated to Ladakh for developmental purposes were properly utilized and did not lapse. A suggestion was also made that the status of Ladakh in the State of Jammu and Kashmir should be formally recognized by including the word 'Ladakh' in the name of the State.

2.04. Employment.—Regarding employment in Government services, the complaints were of discrimination on communal and regional grounds in recruitment, favouritism and nepotism in promotions and lack of reservations for the Scheduled Castes and backward classes. Instances of unjust supersessions in the matter of promotions were cited. Many Jammu representatives felt aggrieved that the Jammu region was inadequately represented in the Secretariat and in various Government departments, and that frequently even peons, forest guards and Patwaries from Kashmir were posted in the Jammu region as though qualified persons to fill such posts could not be found locally ; while, actually, it was alleged that Kashmiries with inferior qualifications were being preferred to better qualified persons of Jammu. Aspersions were also cast on the impartiality and fairness of the Public Service Commission. It was suggested that its members should be recruited from outside the State. Whereas region-wise representation in the services was advocated by the political parties, communal bodies wanted reservation to be made on a communal basis. Communities such as the Gujjars, Rajputs, Shias, Christians, etc. all desired special quotas and reservations of appointments for themselves on the ground of their backwardness.

2.05. Education.—The pleadings under the head 'Education' related to a lack of educational facilities in general ; discrimination on the basis of regions and religions in the matter of admissions to higher educational and professional institutions ; the lack of professional colleges in the Jammu region ; discrimination in the grant of scholarships and selections for training abroad and an almost complete lack of encouragement to the backward classes to acquire higher education. Several parties from the Jammu region, particularly the Students' Congress, complained that all the technical colleges were located in Kashmir and pleaded for the establishment of such colleges in their own region. A suggestion was also made by the Students' Congress for the establishment of a separate University in Jammu. The representatives from Ladakh pointed out that as the matriculation examination was held in Ladakh long after it was held in the rest of the State, their boys lost a

whole term in the process of seeking admission to institutions of higher studies. They desired that something should be done to eliminate this loss of time.

2.06. Causes of irritations and tensions. Most of the representatives from Jammu and Ladakh complained that their legitimate regional aspirations were being ignored and that they had little share in the political power of the State. They stated that their regions were discriminated against in most matters, such as in the allocation of developmental funds, the provision of educational facilities, employment in Government services, etc.

2.07. No representative or individual who wrote to, or appeared before, us questioned the constitutional or legal position of the State as an integral part of the Indian Union, or made out that this was a cause leading to the creation of tensions and irritation among the people. All of them on the contrary were at pains to emphasize that even the proposals or suggestions that they were making for greater decentralization of power to, or autonomy for, the various regions of the State, were subject to the overall consideration that they should in no way imperil or impair the unity and integrity of the State on the maintenance of which they laid great emphasis. Only one solitary organization, namely the Dogra Mandal, suggested the division of the State and the merger of the Jammu region with Himachal Pradesh.

2.08. Some parties pleaded for the abrogation of Article 370 of the Constitution which conferred a special status on the Jammu and Kashmir State, while certain others pressed for its continuance.

2.09. A number of parties were bitter that the general elections held in the past in the State had not been free and fair. We were also told that the elections to local bodies such as municipalities, town area committees etc. had not been held for many years with the result that these bodies were no longer representative.

2.10. Representatives of the Zamindari and agriculturist interests were loud in their complaints about the iniquitous and anomalous features of the land and tenancy laws by which land had been expropriated without the payment of any compensation ; a uniform ceiling for holdings had been fixed without reference to the quality and productivity of the land ; and different rates had been prescribed for the sharing of the produce by land-holders owning more than 100 *Kanals* or less. Another cause of irritation pointed out by them was the great delay in the disposal of ejectment applications. They also complained that though the provisions of Section 45 of the Jammu and Kashmir Tenancy Act enabled the landlord to eject his tenant in possession on the ground that he required the

land for personal cultivation, applications made by the landlords to enforce this right had been stayed, for the time being, till 31 December 1968 by a statutory notification. They urged that the notification should be rescinded.

2.11. Representatives of certain communities, such as Jats, Gujjars, Shias, Sikhs, Buddhists and Christians pleaded for adequate representation in the Cabinet, the legislature and the Public Service Commission.

2.12. A number of parties from the Jammu region were aggrieved that there was discrimination in the fixation of the quantum of rations and issue prices of foodgrains. Representatives from Ladakh complained of the lack of rationing facilities for the general population in their area, and of discrimination made between Ladakhi Government servants and others.

2.13. Several organizations of the Jammu region represented before us that all the State toll barriers were located in the Jammu region and that this had adversely affected its economy. Goods and traffic could, on the other hand, flow freely from any part of the Kashmir region to any other place within it.

2.14. Different views were expressed about the six-monthly move of the headquarters of the State Government between Srinagar and Jammu. Several representatives thought that the practice was inevitable even while conceding that it caused dislocation of work and waste of time. A few representatives from Kashmir desired the discontinuance of this practice on the ground that it gave a feeling of isolation and neglect to Kashmir during the winter months when the Valley was snow-bound.

CHAPTER III

THE STATE OF JAMMU AND KASHMIR—A GENERAL BACKGROUND

3.01. In this Chapter we are giving some background information, gleaned from published and authentic sources, about the State of Jammu and Kashmir—the land and its people, their past history, the religions they follow, the languages they speak and the occupations they pursue. This may help to bring about a better understanding of the matters which fall within the scope of our inquiry.

3.02. State of Jammu and Kashmir occupies a position of great strategic importance in the north-west of India. It is separated from the rest of the country by mountains and uneven terrain. The State is composed of three distinct cultural units—Jammu, Ladakh and the Valley. It is the meeting-place of the Hindu, Muslim and Buddhist cultures as living, co-existent forces. The Valley of Kashmir, apart from being justly famous for its natural scenery, has the distinction of possessing an ancient Sanskrit historical record. The ancient history of Jammu Province, however, is shrouded in mystery. There is no chronicle which throws light on the happenings there of the period prior to the 18th century.

3.03. *Hindu Period.*—Till the 14th century, Kashmir was ruled by a series of Buddhist and Hindu dynasties whose annals are related in the celebrated versified Sanskrit chronicle known as 'Rajatarangini' by Kalhana. Its later chapters give a fairly reliable record of events from the 7th century to the middle of the 12th century. Kalhana's chronicles are continued by Pandit Jonaraja, who takes us to the beginning of the 15th century, and by Srivara and Prajyabhatta who bring the narration down to the Moghul conquest of Kashmir in 1586. The later history of the Valley can be found in the works of Birbal Kacheri and Diwan Kirpa Ram and certain British and European scholars noteworthy among them being Lawrence and Younghusband.

3.04. After the phase of local kings and rulers who extended their rule beyond the Valley into India and Central Asia, Asoka introduced Buddhism into Kashmir in the 3rd century B.C. This was later strengthened by Kanishka. In the early 6th century the control of the Valley passed to the Huns. The Valley regained freedom in 530 A.D., but soon after that came under the sway of the Ujjain Empire. Later, on the decline of the Vikramaditya dynasty, it once again had its own ruler, and there was a fusion of Hindu and Buddhist cultures. Lalitaditya (697-738 A.D.), who extended his hold up to Bengal in the east, Konkan in the south, Turkistan in the north-west and Tibet in the north-east, was the most famous of its

Hindu rulers. While Lalitaditya was known for his building activity, King Avantivarman (855-83 A.D.), his successor, is remembered for the great progress in irrigation and drainage in the Valley made during his reign. By the beginning of the 14th century, "the Hindu kings had become incapable of their office" and Kashmir came to have Muslim rulers when Sinha Dev, the Hindu King, fled before a Tartar invasion.

3.05. Muslim Period.—Zainul Abedin (1417-69), Sikandar's second son, was not only the most famous of the Muslim rulers but the most illustrious ruler that Kashmir has known. Father and son were of entirely different temperaments ; while the father was cruel and intolerant, the son was tolerant, wise and kind. When Zainul Abedin came to power, he completely reversed the policy of Sikandar. A man of secular outlook, he patronized all faiths and religions alike. He brought new life to the tortured Valley by putting an end to his father's rule of persecution and forcible conversions. He recalled those Hindus who had fled to distant places during Sikandar's regime and got the temples rebuilt and repaired. He banned cow-slaughter and removed the prohibition on the performance of Sati. In Zainul Abedin's time, handicrafts were introduced or stimulated, literature and the arts were patronized, canals and bridges were built and taxes were reduced. The reign of this enlightened ruler had an unhappy end for there was a struggle amongst his sons for succession to the throne. Eventually, his weak son, Haider Shah, fell a prey to the aggressive tribes from the north known as the Chaks. Sunni Muslims and Hindus alike were persecuted by the Chaks and they looked towards the Moghul Empire in India for a redress of their grievances. The Chak dynasty continued to rule till 1587 when Akbar invaded Kashmir and made it an apanage of the Moghul Empire ; Kashmir then became the summer residence of Mughal Emperors for nearly 200 years. Akbar was followed by Jahangir, Shahjahan and Aurangzeb. Aurangzeb's successor was a weak ruler and in 1752, Kashmir passed from the feeble control of the Moghul emperor into the powerful grasp of Ahmed Shah Abdali of Afghanistan. For the next 67 years, it was held for the Pathans by a series of governors who were more or less independent of their kings and who behaved like tyrants.

3.06. Sikh Rule.—By the beginning of the 18th century, Sikh power had risen in the Punjab. The Kashmiris, harassed and exploited by the Pathan kings and unable to secure relief from their tyranny by their own efforts, sought outside assistance and looked forward to a Sikh invasion. In 1814, Ranjit Singh attempted an invasion by the Pir Panjal route, but was repulsed. A further personal appeal to him by Birbal Dar, a Brahmin who managed to escape from Srinagar to Lahore, resulted in another attack by the Sikhs. Misar Diwan Chand, one of Ranjit Singh's most competent generals, who was accompanied by Gulab Singh, was in command of the Sikh forces which in 1819 expelled the Afghans and brought Kashmir under the rule of the Sikhs.

3.07. Dogra Rule.—Till 1846, Kashmir remained under the Sikhs and was administered by their governors. The important governors during the Sikh regime were Moti Ram, Kirpa Ram, Sher Singh, Mian Singh, Ghulam Mohi-ud-Din and Imam-ud-Din, but all of them did not command the same respect in Kashmir. In fact the last two actually ruled after the death of Ranjit Singh but were too weak to assert themselves, and the decaying Sikh power, as one writer puts it, “exploded, disappearing in fierce but fading flames.” Events leading to the transfer of Kashmir into the hands of the Dogras are closely related to the later history of the Sikhs, especially the prominent role played by Gulab Singh, who had earlier been a minister at Ranjit Singh’s court. Gulab Singh belonged to a Rajput family. He was one of the three great-grand nephews of Ranjit Deva, a Dogra Chief of Rajput descent who ruled Jammu in the latter half of the 18th century.

3.08. As already stated, no record is available of the history of Jammu before the 18th century. It appears that during the 12th century when Mohammad Ghori had invaded India and overrun the Punjab, Rajputs had taken refuge in the mountainous tracts of Jammu province and carved out separate estates and principalities such as Jammu, Kishtwar, Bhadarwah, Basohli, Reasi, etc. which they ruled as independent sovereigns. Very little information is available about the successive regimes which dominated the different regions of the province from time to time until Raja Ranjit Deva, son of Dhruv Deva, proclaimed himself as the ruler of the principality of Jammu in 1730 A.D.

3.09. On the death of Ranjit Deva in 1780, there ensued a struggle for succession. This gave the Sikhs an opportunity of turning Jammu and the neighbouring hill tracts into a dependency. Gulab Singh, by then, had entered the service of Maharaja Ranjit Singh and had rendered such distinguished service that the Maharaja conferred the principality of Jammu on him with the hereditary title of Raja. During Ranjit Singh’s lifetime, Gulab Singh remained loyal to the Lahore Court. However, on the death of Ranjit Singh and the consequent anarchy in the Sikh Court British penetration into north-western regions of India began. In subduing the Sikh power, they sought and secured the co-operation of Gulab Singh. In 1846, at the close of the first Sikh war, Gulab Singh appeared on the scene as a mediator between the British and the Lahore Durbar. On the condition of paying the war indemnity asked for by the British, Gulab Singh was made an independent ruler of Jammu and Kashmir. A separate treaty embodying this arrangement was concluded at Amritsar on 16 March 1846, under which Gulab Singh acknowledged the supremacy of the British Government. This treaty thus marks the commencement of the history of the Jammu and Kashmir State as a political entity.

3.10. The treaty put Gulab Singh as Maharaja, in possession of all the hill country between the Indus and the Ravi, including Kashmir,

Jammu, Ladakh and Gilgit, but excluding Lahaul, Kulu and certain other areas which, for strategical purposes, it was considered advisable to retain and for which a remission of Rs. 25 lakhs was made from the crore demanded, leaving Rs. 75 lakhs as the final amount to be paid by Gulab Singh. Gulab Singh had some difficulty in obtaining actual possession of the province of Kashmir. The last governor appointed by the Sikhs, Imamuddin, successfully resisted his efforts for a time, and it was only at the end of 1846 that Maharaja Gulab Singh with the aid of British troops was established in Kashmir.

3.11. No subsidiary force was imposed on Gulab Singh. Political relations between the Government of India and the State commenced in the year 1849 but these were conducted by the Punjab Government through the Maharaja's agent at Lahore and no representative of the Government of India was stationed in the State. It was not until the year 1852 that the first 'Officer on Special Duty' in the State was appointed. This officer resided in Kashmir only during the summer months. Maharaja Gulab Singh died in 1857 and was succeeded by his son Ranbir Singh. In 1885, after the death of Ranbir Singh and the accession to the *gaddi* of Maharaja Partap Singh, the designation of the 'Officer on Special Duty' was changed to 'Resident in Kashmir', who was permanently stationed at Srinagar. Partap Singh died in 1925 and was succeeded by his nephew, Hari Singh, the ruler who wielded authority till 1948.

3.12. Independence.—With the lapse of British Paramountcy on 15 August 1947, the Jammu and Kashmir State became free. It did not decide upon the issue of accession for more than two months after the British withdrawal from the sub-continent. The Maharaja, however, entered into a standstill agreement with Pakistan in order to ensure a free flow of trade and communications as before with the areas that constituted Pakistan. While negotiations for a standstill agreement with India were going on, Pakistan imposed an economic blockade to put pressure on the Maharaja into signing an Instrument of Accession in favour of Pakistan. This was supplemented by a massive armed tribal attack on the State. The people of Jammu and Kashmir, however, offered heroic resistance to the invaders. The invasion from Pakistan precipitated the issue of accession, and on 26 October 1947 the Government of India accepted the Instrument of Accession signed by the Maharaja with the popular backing of the people of the State led by Sheikh Mohammad Abdullah. Jammu and Kashmir thus became legally an integral part of India with overwhelming popular support.

3.13. Location.—The present State of Jammu and Kashmir presents a challenging subject for the study of economists, planners and social scientists of the country. Forming the northern most fringe of the country

with a good part of the State separated from the rest of India by mountains and uneven terrain, it presents many special problems of its own. Lying between latitude 32.30 degree and 37.00 degree North and longitude 72.50 degree and 80.20 degree East, it forms the North-Western part of India. Its boundaries in the north are Soviet Turkistan and Chinese Sinkiang. In the west and the south-west, it is bounded by Afghanistan and Pakistan and in the east by Tibet while Himachal Pradesh and Punjab form the southern boundaries of the State.

3.14. Physical features.— The State falls into four natural regions described below :—

(i) The sub-montane and semi-mountainous tracts :

This region consists of the plains bordering the Punjab and the broken mass of the foot-hills known locally as the 'Kandi' areas. The average height of this region is about 2,000 feet above sea-level. The river Chenab flows through it. But on account of its being mostly stony and arid, cultivation here is scanty, scattered and wholly dependent on rain. The whole of Jammu district and a part of Kathua district fall in this tract.

(ii) The Outer Hills Region :

The rest of Jammu province (*i.e.*, the districts of Udhampur, Poonch, Doda and part of Kathua) falls in this region. It consists of low hills lying roughly to the south of the Pir Panjal range which separates the two provinces of Jammu and Kashmir. A large part of this area lies between 2,000 and 4,000 feet above sea-level. The river Chenab passes through this area also. Except in the fertile valleys formed by the river and its tributaries, cultivation is scarce and scattered and is done on small patches.

(iii) Jhelum Valley or Kashmir Valley Region :

This region consists of the administrative districts of Anantnag, Srinagar and Baramulla. It is known as the Kashmir Valley. The river Jhelum with its numerous tributaries, pursuing a zigzag course, flows through the whole length of the Valley bisecting it almost into two-halves. The average height of the Valley is 5,500 feet above sea-level, while the mountains surrounding it average 12,000 feet with a dip to about 9,000 feet at Banihal pass. The region has a rich alluvial soil and paddy and fruit grow extensively there.

(iv) Indus Valley or Tibetan or Semi-Tibetan Tract :

This area consists almost entirely of snow-capped mountains with plateaus, glaciers, rocky river valleys and wastes. The Indus is the

main river of this region. There are a number of mountains over 20,000 feet in height. At present, it comprises Kargil and Leh divisions of the frontier district of Ladakh in Kashmir province. The whole of the area is dry and almost rainless. The cultivation of such crops as barley, maize and millets is, however, undertaken in this region with the help of irrigation from small canals known as 'Kuhls' which are fed by melting snow.

3.15. Administratively the State consists of three units, *viz.*, Jammu, Kashmir and Ladakh—Doda, Udhampur, Jammu, Kathua and Poonch forming Jammu province and Anantnag, Srinagar and Baramulla the province of Kashmir, while Ladakh forms the frontier district of the State. The State comprises 6,726 villages and 43 towns of which Jammu and Srinagar are the most important industrial centres.

3.16. Area and Population.—According to the 1961 Census, the State has an area of about 139,000 square kilometres and a total population of 35.61 lakhs, giving a density of 26 per square kilometre, the lowest of all the States of the Indian Union, except for a few Union territories. The low density is explained by the fact that the frontier district of the State constitutes more than two-thirds of the area but has less than 2.5 per cent of the population. If the area and population of this district are excluded, the density would go up to 84 per square kilometre. In other words, the density of population for the residual area would be higher than that of Madhya Pradesh and Rajasthan. The fact, however, remains that the density of the State has been rising from decade to decade all along in the past.

3.17. The distribution of the area, population and density in the three administrative units is as under :—

Area, population and density—Based on 1961 Census

	Area		No of Towns.	No. of Villages.	Population	Density (Population)	
	Sq. Miles	Sq. Kms.				Pcr Sq. mile.	Per Sq. Km.
1	2	3	4	5	6	7	8
Jammu	10073.1	26089.4	24	3485	1572887	156	60
Doda	4380.2	11344.7	6	661	268403	61	24
Udhampur	1731.6	4484.9	4	627	254061	147	57
Jammu	1248.6	3233.8	7	1050	516932	414	160
Kathua	1023.6	2651.2	4	585	207430	203	78
Poonch	1689.1	4374.8	3	562	326061	193	75
Kashmir	5838.0	15120.3	18	3003	1899438	325	126
Anantnag	2096.9	5430.9	6	1222	654368	312	120
Srinagar	1205.1	3121.2	3	714	640411	531	205
Baramulla	2536.0	6568.2	9	1067	604659	238	92
Ladakh	37753.8	97782.4	1	238	88651	2	0.9
Total	53664.9	138992.1	43	6726	3560976	66	26

N.B.—The figures exclude the area under unlawful occupation of Pakistan and China, where census could not be taken, and its population.

3.18. Religions.—The Jammu and Kashmir State presents a picture of a multi-racial society professing a variety of religions, speaking different languages and heir to a composite culture and customs. The State is inhabited by Hindus, Muslims, Sikhs, Christians, Buddhists and Jains. Muslims comprise about 68 per cent of the population, Hindus a little over 28 per cent, and Sikhs and Buddhists 1.8 and 1.4 per cent respectively, while the total number of Christians is 2,848 and of Jains only 1,427. The percentage of population of Hindus and Muslims in Jammu province is 58.7 and 38.1 respectively. The districts of Udhampur, Jammu and Kathua have a concentration of Hindu population (78.9 per cent) ; Doda and Poonch have more of Muslims (72.9 per cent). Sikhs live mostly in Jammu and Poonch, and form 6.3 per cent of the population of Jammu and 2.5 per cent of that of Poonch. Kashmir has a majority of Muslims (94.4 per cent), the percentage in Anantnag, Srinagar and Baramulla being 95.4, 90.7 and 97.3 respectively. Hindus in the Valley constitute 4.7 per cent of the population. The maximum proportion of Hindus in the Valley (8.3 per cent) is found in Srinagar. Out of a total of 304 Christians, 230 live in Srinagar alone. About 54 per cent Buddhists and 45 per cent Muslims, besides about one per cent of Hindus and Sikhs, inhabit the territory of Ladakh. The district-wise distribution of population by religion is given in the table below :—

Percentage distribution of population by religion—Based on 1961 Census.

Region/Religion.	Hindus	Muslims	Sikhs	Christians	Buddhists	Jains	Total
1	2	3	4	5	6	7	8
Jammu	.. 58.7	38.1	2.9	0.2	—	0.1	100.0
Doda	.. 34.6	65.0	0.2	—	0.2	..	100.0
Udhampur	.. 65.1	33.9	0.9	0.1	..	..	100.0
Jammu	.. 83.0	10.0	6.3	0.4	—	0.3	100.0
Poonch	.. 18.0	79.5	2.5	—	..	..	100.0
Kathua	.. 85.7	13.0	1.2	0.1	..	—	100.0
Kashmir	.. 4.7	94.4	0.9	—	—	—	100.0
Anantnag	.. 3.7	95.4	0.9	—	..	—	100.0
Srinagar	.. 8.3	90.7	1.0	—	—	—	100.0
Baramulla	.. 2.0	97.3	0.7	—	—	..	100.0
Ladakh	.. 0.7	45.4	0.1	—	53.8	..	100.0
Total	.. 28.4	68.3	1.8	0.1	1.4	—	100.0

.. Nil.

—Negligible.

3.19. Scheduled Castes.—With the introduction of the Constitution of India, envisaging the establishment of a secular democracy, the 1961 Census for the first time dispensed with the details of the castes and sub-castes under the different religions, except for persons belonging to the Scheduled Castes. There are no Scheduled Tribes in the State and even the Scheduled Castes are found only in the five districts of Jammu province. The total population of the Scheduled Castes in the province is 2,84,131 (2,63,236 in rural areas and 20,895 in the urban areas). The district-wise proportion to population is given below :—

Percentage of Scheduled Castes to Population

District.	Persons.	Males.	Females.
1	2	3	4
Doda	9.22	9.09	9.37
Udhampur	19.91	19.89	19.93
Jammu	29.31	29.53	29.06
Kathua	22.88	23.06	22.69
Poonch	3.01	2.94	3.10

The 1961 Census shows that the number of Scheduled Castes professing the Sikh religion is very small and that they mostly belong to the Basith, Chamar or Ramdasis and Megh or Kabirpanthi castes. All the others profess Hinduism. In fact, the population of Hindu Scheduled Castes is much larger than the entire population in the State of those professing Sikhism or Buddhism. It is six times that of the latter and more than four times the population of Sikhs. In the State as a whole, Hindu Scheduled Castes claim 28 per cent of the total Hindu population. The following table gives the percentage of Hindu Scheduled Castes to the total Hindu population and the total number of persons belonging to Sikh Scheduled Castes in Jammu province and its districts :—

	Percentage of Hindu Scheduled Castes population to total Hindu Population.	Total number of persons belonging to Sikh Scheduled Castes.
J & K State	28.0	168
Jammu Province	30.7	168
Doda District	26.7	10
Udhampur District	30.6	17
Jammu District	35.3	97
Kathua District	26.7	..
Poonch District	16.6	44

3.20. Languages.—A number of languages are spoken in the State. The important languages spoken are Kashmiri in Kashmir ; Dogri, Punjabi and Pahari-unspecified in Jammu; and Ladakhi, Balti, Budhi and Tibetan in Ladakh. As the Valley is predominantly inhabited by Kashmiris, the mother tongue of over 90 per cent is Kashmiri ; the other important languages spoken there are Punjabi (1.7 per cent) and Gojri

(3.4 per cent). Although on the whole a little over 55 per cent speak Dogri in Jammu province, not less than 80 per cent in Jammu district, 77 per cent in Udhampur and 92 per cent in Kathua speak the same language.

In the whole of Jammu province, Punjabi is the mother tongue of only 5 per cent ; 12 per cent speak Punjabi in Jammu district and 2.5 per cent in Poonch. There are only 11 per cent people in whole of Jammu province whose mother tongue is Kashmiri ; in Doda, however, over 44 per cent of the people speak Kashmiri. Gojri is the mother tongue of 10 per cent of population in Udhampur and 9.3 per cent in Doda. Over 26 per cent speak Gojri in Poonch, where the other important languages are Pahari-unspecified and Dogri which are spoken by 48.3 per cent and 13.2 per cent respectively. In Ladakh, over 56 per cent speak Ladakhi while the mother tongue of 37.1 per cent is Balti and of 2.4 per cent Budhi ; Tibetan is the mother tongue of only 2 per cent people in Ladakh. A few persons speak Kashmiri (0.7 per cent), Punjabi (0.2 per cent) and Dogri (0.2 per cent) as well. The region-wise proportion of languages spoken is given in the table below :—

Percentage distribution of population by languages spoken—
Based on 1961 Census.

Region/ Language	Kashmiri	Punjabi	Dogri	Ladakhi	Budhi	Bakar- wali.	Gojri	Others	Total
1	2	3	4	5	6	7	8	9	10
Jammu	11.3	4.9	55.1	—	0.1	0.4	9.2	19.0	100.0
Doda	44.5	0.3	7.0	..	0.2	0.2	9.3	38.5*	100.0
Udhampur	8.8	1.4	77.6	..	..	1.0	10.0	1.2	100.0
Jammu	2.1	11.6	80.6	—	..	0.1	1.1	4.5	100.0
Kathua	1.8	1.9	92.3	..	..	0.3	1.6	2.1	100.0
Poonch	6.6	2.5	13.2	..	..	0.5	26.2	51.0†	100.0
Kashmir	90.4	1.7	0.1	—	—	..	3.4	4.4	100.0
Anantnag	93.3	1.1	0.1	—	..	..	4.2	1.3	100.0
Srinagar	95.1	1.6	0.1	—	—	..	2.2	1.0	100.0
Baramulla	82.3	2.5	—	—	..	..	3.9	11.3	100.0
Ladakh	0.7	0.2	0.2	56.2	2.4	..	..	40.3‡	100.0
Total	53.3	3.1	24.4	1.4	0.1	0.2	5.9	11.6	100.0

.. Nil.

—Negligible.

*Bhadrawahi 12.3 per cent ; Pahari-unspecified 6.0 per cent.

Siraji-Kashmiri 7.4 per cent ; Kishtwari 4.3 per cent.

†Pahari-unspecified 48.3 per cent ; Urdu 1.9 per cent.

‡Balti 37.1 per cent ; Tibetan 2.1 per cent.

3.21. Natural Resources.—Of the natural resources of Kashmir Valley, forests need special mention. The forests of the State are renowned all over India for their grandeur; their lofty fir, deodar and pine trees; and varied flora and fauna. These forests are a very important source of revenue and yield large quantities of timber, firewood and minor forest

products. They add grandeur to the landscape and are a means of protecting the land against erosion and ensuring the regular flow of water. It is estimated that out of the total forest area, about 28 per cent consists of coniferous forests and the rest of miscellaneous forests including high level pasturages. Of these the commercially exploitable forests comprise only 20 per cent; the rest are inaccessible at present. The other important natural resources of Jammu and Kashmir consist of minerals although only a small portion of the known deposits has as yet been surveyed in detail. It is now known, however, that the State has considerable deposits of gypsum and limestone and a geological survey reveals the existence of copper, lead and zinc also. In spite of the fact that the State occupies an important position, because of its mineral resources in the whole of north-west India, its mineral industry has nevertheless remained undeveloped due to lack of suitable transport and power facilities.

3.22. Literacy.—The basic problem of Kashmir for long has been its low income, poverty, disease, ignorance and unemployment. The State has all along been very backward, having the lowest incidence of literacy among all the States of India. According to the 1961 census, there are only 3.9 lakh literate persons in the State giving a literacy percentage of about 13 against the national average of 28 per cent. Urban areas, where greater facilities for education are available, however, claim a literacy percentage of 32.8 while in rural areas the literacy percentage is only 8.9. The largest number of literate persons is found in the cities of Jammu and Srinagar, the percentages being 45.0 and 24.8 respectively. The districts of Jammu and Srinagar have the highest percentage of literacy—22.3 for Jammu and 16.8 for Srinagar. The percentage of literacy in the various regions and districts of the State is indicated in the table below :—

Region	Percentage of Literacy*—Based on 1961 Census.								
	Rural			Urban			Total		
	M	F	T	M	F	T	M	F	T
Jammu ..	16.8	2.6	10.1	54.8	35.6	46.3	21.8	6.5	14.6
Doda ..	15.0	1.1	8.5	49.3	22.4	37.4	17.1	2.3	10.2
Udhampur ..	13.5	2.1	8.1	56.5	36.6	47.5	16.4	4.2	10.7
Jammu ..	21.4	4.5	13.4	56.2	39.2	48.7	30.7	12.8	22.3
Kathua ..	19.0	3.9	11.9	47.0	25.3	37.0	21.2	5.4	13.8
Poonch ..	13.7	1.2	7.8	55.2	29.7	43.6	15.9	2.6	9.6
Kashmir ..	13.5	1.2	7.9	36.4	14.9	26.5	18.3	4.1	11.8
Anantnag ..	14.6	1.3	8.5	30.3	7.2	20.0	15.7	1.7	9.3
Srinagar ..	11.4	1.1	6.7	38.4	17.0	28.5	23.7	8.5	16.8
Baramulla ..	13.7	1.1	7.9	30.8	9.6	21.2	15.3	1.9	9.2
Ladakh ..	16.2	0.9	8.7	42.0	7.6	24.9	17.3	1.2	9.4
Total	15.1	1.8	8.9	42.4	21.3	32.8	19.8	5.1	13.0

M: Males F: Females T: Total.

*Excludes population in age group 0-4.

3.23. *Economic.*—Agriculture has been the main occupation of the State's population, the rural/urban ratio of population being 83 : 17 ; the proportion of workers to the total population is about 43 per cent according to the 1961 census. Over three-fourths of the workers are cultivators and agricultural labourers. About 6 per cent are engaged in household industries, 2 per cent each in manufacturing (other than household industry) and trade and commerce, while 9 per cent of the workers derive their livelihood from other services. The percentage distribution of workers in the different industries is given in the following table :—

Proportion of workers in different industries—Based on 1961 Census.

Region.	Total workers as per cent of population.	As cultivator.	As Agricultural labourer.	Mining quarrying etc.	House-hold industry.	Manufacturing other than house-hold industry.	Construction.	Trade and Commerce.	Transport, Storage and Communications.	Other services.
1	2	3	4	5	6	7	8	9	10	11
JAMMU ..	41.5	75.8	1.1	1.9	7.0	1.0	0.8	2.2	0.7	9.5
Doda ..	55.3	83.7	0.4	2.5	8.8	0.3	0.3	0.7	0.1	3.2
Udhampur ..	50.8	80.4	0.4	1.4	10.6	0.3	0.3	1.4	0.2	5.0
Jammu ..	32.3	58.1	2.6	1.3	3.0	3.0	1.9	5.1	2.1	22.9
Kathua ..	40.8	75.9	1.2	3.0	7.1	0.7	0.8	1.9	0.6	8.8
Poonch ..	38.0	85.4	0.7	1.8	6.3	0.4	0.2	0.9	0.2	4.1
KASHMIR ..	42.7	74.9	1.3	1.5	5.6	3.3	0.4	2.3	1.1	9.6
Anantnag ..	43.9	81.8	1.5	1.4	6.8	1.2	0.4	1.7	0.5	4.7
Srinagar ..	37.9	56.2	1.0	1.5	6.4	8.3	0.6	4.3	2.6	19.1
Baramulla ..	46.7	84.1	1.4	1.6	3.8	1.0	0.2	1.3	0.3	6.3
LADAKH ..	66.1	85.3	0.5	1.3	7.6	0.3	1.1	0.7	0.1	3.1
Total ..	42.8	75.7	1.2	1.7	6.3	2.2	0.6	2.2	0.8	9.3

3.24. Agriculture is the mainstay of the State's economy, about 90 per cent of the population depending for their living on land. Rice is the staple food in the Kashmir Valley while in Jammu province people eat wheat, maize, barley and rice. A variety of fruit grow in the State : apples, pears, plums, cherry, etc. Walnuts, almonds and saffron are also among the other important products of the State. The produce of the various districts of the State, however, varies according to their altitude.

3.25. The cottage industries of the Jammu and Kashmir State like wood carving, wool weaving, shawl making etc. are famous all over the

world. Silk is found in abundance and silk goods are a major export of Kashmir. The most important industry of the State is, however, Tourism. It is its main source of revenue. With beautiful tourist spots both in Jammu and Kashmir, the State attracts tourists from all over India and the world. The additional amenities provided by the Government in recent years for tourists have made for a substantial increase in their number.

3.26. The income of the State in 1965-66 (at 1955-56 prices) is estimated to be about Rs. 93 crores giving a *per capita* income of about Rs. 250. Agriculture etc. constitute about 41.5 per cent of the State income while mining and manufacturing provide about 25.0 per cent. The contribution of commerce and transport is 9.1 per cent while other services absorb about 24.4 per cent of the State's income. Though the First and Second Five Year Plans witnessed a rise of 4 to 5 per cent per annum in the State's income, during the period of the Third Five Year Plan the income, which was showing an annual growth of about 2.4 per cent till 1964-65, showed a decline of about 1.6 per cent in 1965-66 on account of a serious decline in agricultural production throughout the country caused by adverse weather conditions. With the better agricultural production expected in subsequent years, it is likely that the income growth may equal that prevailing in the First and the Second Five Year Plan periods. The State income at 1955-56 prices by industry of origin is shown in the table below :—

State income at 1955-56 prices by industry of origin

(In lakhs of rupees)

Industry	1950-51	1955-56	1960-61	1965-66*	1966-67†
1. Agriculture, Animal Husbandry, Forestry, Fishing etc...	2,605.5	3,374.1	4,084.3	3,876.0	4,464.2
2. Mining, Manufacturing and Small Enterprises ..	1,353.2	1,546.8	2,018.1	2,326.5	2,367.9
3. Commerce and Transport ..	635.4	689.2	764.8	853.6	865.3
4. Other services ..	960.2	1,187.3	1,736.5	2,272.6	2,409.0
5. Total ..	5,554.3	6,797.4	8,603.7	9,328.6	10,106.4
6. Per capita income (Rs.) ..	188.4	216.5	252.6	250.4	265.8

*Partially revised.

†Preliminary.

Source : Directorate of Economics and Statistics, Jammu and Kashmir.

CHAPTER IV

DEVELOPMENT PROGRAMMES

4.01. Our first term of reference requires us "to make an assessment of the development programmes apportioned to the various regions of the State and to recommend measures necessary to give assurance that the resources available to the State Government are being shared equitably and also to convey a feeling of equal participation in the integrated development of the State."

As is inevitable with any inquiry that involves making regional comparisons, each region tries to substantiate its claim that its interests have been neglected and that the other regions have prospered unduly over the years at its expense. We, therefore, took oral evidence and checked the statements made in evidence by reference to the statistical information obtained from the State Government and also other relevant material. The complaints of neglect were made mostly in the memoranda submitted by representatives from the Jammu Division and Ladakh though there were also some from the Kashmir Division. Besides, from the same region, allegations were made that the urban areas had received more attention while the needs of the rural, hilly and inaccessible areas had been comparatively neglected.

4.02. *Resources of the State.*—Before proceeding to discuss the apportionment of development programmes to the different regions, and the sharing of resources by them, we propose to examine the budgetary resources, first of the State as a whole and then of the regions separately. The budgetary resources of a State are made up of the revenue receipts of the State and the grants-in-aid and loans given to it by the Centre in pursuance of the constitutional provisions as also for meeting its specific Plan needs. The resources of the State of Jammu and Kashmir are admittedly quite inadequate for its needs and the Union Government have had to supplement them to a considerable extent by giving grants-in-aid and loans. The following table, prepared for six consecutive years, gives an idea of how the revenue receipts of the State compare with the amount of Central assistance received by it in the form of grants and loans :

(In crores of rupees)

Year		Revenue Receipts of the State	Central		Total
			Grants	Loans	
1960-61	..	12.58	3.14	5.31	21.03
1961-62	..	12.59	9.48	6.64	28.71
1962-63	..	17.64	7.68	10.36	35.68
1963-64	..	18.36	8.19	9.07	35.62
1964-65	..	18.02	8.51	11.68	38.21
1965-66	..	19.76	11.91	12.83	44.50

Thus, Central assistance was nearly equal to the revenue receipts of the State in 1962-63 and 1963-64 and substantially exceeded the State's revenue in the years 1964-65 and 1965-66. The principal sources of revenue are : (a) forests, (b) road toll, (c) land revenue, (d) sales tax and (e) excise.

4.03. Allocation of resources to different regions.—We shall now proceed to attempt an analysis of the regional breakdown of the State's revenue. This will give an idea of the revenue-earning capacity of each of the regions, viz, Jammu, Kashmir and Ladakh, and the contribution that each makes to the total revenue of the State. In arriving at the regional breakdown, certain assumptions have, however, to be made. This is because the figures relating to the State's revenue are not maintained region-wise. The apportionment of certain items of revenue to the regions is also not possible, for the point of collection of a tax may fall in one region while its incidence may fall in another. The receipts from road toll provide an illustration of this. The State of Jammu and Kashmir has a fairly extensive road system and road toll is an important source of revenue. Although the incidence of road toll is spread over the entire State, the collection points are all located in the Jammu region. It would thus be incorrect to show the entire receipts on this account as having been earned by the Jammu region merely because the toll barriers are all located there. There are a few other items of revenue also where the correct apportionment to the regions presents similar difficulties. There are still others where such apportionment is not possible at all. Nevertheless, after excluding such items as well as Central assistance and making suitable assumptions about the allocation of some of the other items of revenue to the regions, the State Government have, at our request, made an analysis of the regional budgetary resources. This has been done for a few selected years, the years being 1960-61, 1963-64 and 1965-66. In overall terms, the regional

breakdown of resources for the years for which the analysis has been made, is as follows :—

				(In lakhs of rupees)		
				1960-61	1963-64	1965-66
Jammu	..	..	..	389.21	462.51	453.98
Kashmir	..	..	..	322.94	490.38	461.90
Ladakh	..	..	..	2.89	5.04	5.72
Total				715.04	957.93	921.60

The detailed breakdown for the three years in terms of individual items of revenue and the assumptions made in allocating them to the different regions are given in Appendix 5. The figures given above show that the resources of the Jammu region and the Kashmir region are about equal. No such large variation exists between them as would entitle one region to claim distinct superiority over the other in this respect. Ladakh is, however, in quite a different category. Its scanty resources require a great deal of additional support from the State and the Union Government.

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4.04. Apportionment of development programmes and expenditure.—

We now come to the development programmes of the State. Like the budgetary resources discussed in the preceding paragraph, the accurate apportionment of development programmes and developmental expenditure to the different regions is difficult. Many developmental schemes transcend regional boundaries and cannot be allocated to particular regions. Attempts have, however, been made by the State Government to allocate developmental expenditure to the different regions to the extent practicable and where it has not been possible to do so, they have shown such expenditure as common to two or more regions.

4.05. Development programmes in the State have been financed mainly out of its Plan budgets and only to a limited extent out of its non-Plan budgets. We shall first consider the Plan budgets and then proceed to discuss the non-Plan budgets in so far as they relate to development.

4.06. The total Plan expenditure on development in the entire State, during the three Plan periods, has been Rs. 10,681.25 lakhs. The expenditure on each Plan was as follows :—

	(In lakhs of rupees)	
First Five-Year Plan (1951-52 to 1955-56)	..	1,151.71
Second Five-Year Plan (1956-57 to 1960-61)	..	3,120.20
Third Five-Year Plan (1961-62 to 1965-66)	..	6,409.34
Total	..	10,681.25

As mentioned earlier, the resources of the State are quite inadequate for its needs and therefore the Union Government have had to make substantial assistance available to the State Government in the form of grants and loans for financing the State Plans. The quantum of assistance for the three Plans was as follows :—

	(In lakhs of rupees)		
	Total Plan expenditure	Central assistance	Percentage of Central assistance to Plan expenditure
First Plan	.. 1,151.71	1,000.00	87
Second Plan	.. 3,120.20	2,000.00	64
Third Plan	.. 6,409.34	6,200.00	97
Total	.. 10,681.25	9,200.00	86

Thus, the State Plans have largely been financed by the Union Government. A statement is given in Appendix 6 showing the quantum of Central assistance received by each State of the Union for each of the three Five-Year Plans, for purposes of comparison.

4.07. The apportionment of the Plan expenditure to the regions has been done by the State Government at our request. In respect of the First Plan, however, it has not been possible to do so in the absence of sufficient details. It may be stated that the First Plan of the State did not represent any major developmental effort, the total expenditure during the five years being only Rs. 1,151.71 lakhs. The Second and the Third Plans were much larger and the *per capita* expenditure on development went up from Rs. 37.25 in the First Plan to Rs. 196.37 in the Third Plan.

4.08. The expenditure under each Head of Development in the Second and Third Plans has been apportioned to the regions after taking into account the expenditure on the schemes included under that Head and the region that each such scheme is intended to serve. As stated in paragraph 4.04, in respect of certain schemes it has, however, not been possible to determine the particular region which derives benefit from them, and so such expenditure has been shown as common to the two regions of Jammu and Kashmir. Worked out thus, the allocation of expenditure on the Second and the Third Plan to the different regions would be as follows :—

(In lakhs of rupees)

	Total Plan expenditure	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region
Second Plan	3,120.20	1,385.23	1,472.62	175.70	86.65
Third Plan	6,409.34	2,119.69	2,796.78	1,345.51	147.36
Total	9,529.54	3,504.92	4,269.40	1,521.21	234.01

This shows that Ladakh has received a much smaller share than either the Jammu or the Kashmir region and that as between the Jammu and Kashmir regions, the share of the latter in so far as Plan expenditure is concerned, has been about twenty-two per cent higher than that of the former. During the Second Five Year Plan period, the levels of expenditure in the Jammu and Kashmir regions were not markedly different and it was only in the Third Plan period that a substantially higher expenditure was incurred in the Kashmir region.

4.09. The details of Plan expenditure under each Head of Development for each region are given in Appendix 7. A scrutiny of the expenditure under these Heads of Development shows that the major regional disparities occur in a few of them as, for instance 'Agriculture', 'Irrigation', 'Power', 'Transport and Communication', 'Education' and 'Health and Family Planning'. The physical achievements in each of these will be discussed in later paragraphs.

4.10. Apart from the Plan expenditure, there is also a certain amount of non-Plan expenditure incurred on developmental schemes. The bulk of this expenditure has been incurred on the construction of

roads. The allocation of non-Plan expenditure to the regions during the Second and the Third Plan periods is as follows :—

(In lakhs of rupees)

	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region	Total
Second Plan ..	245.22	153.25	..	..	398.47
Third Plan ..	1,006.79	390.88	153.48	949.36	2,500.51
Total ..	1,252.01	544.13	153.48	949.36	2,898.98

The details of non-Plan expenditure under each Head of Development for each region are also given in Appendix 7.

4.11. If we take both Plan and non-Plan developmental expenditure into account, the overall position relating to expenditure on the different regions would be as follows :—

(In lakhs of rupees)

	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region	Total
A. SECOND PLAN					
Plan Expenditure ..	1,385.23	1,472.62	175.70	86.65	3,120.20
Non-Plan Expenditure ..	245.22	153.25	..	..	398.47
Total 'A' (Plan + Non-Plan Expenditure) ..	1,630.45	1,625.87	175.70	86.65	3,518.67
B. THIRD PLAN :					
Plan Expenditure ..	2,119.69	2,796.78	1,345.51	147.36	6,409.34
Non-Plan Expenditure ..	1,006.79	390.88	153.48	949.36	2,500.51
Total 'B' (Plan + Non-Plan Expenditure) ..	3,126.48	3,187.66	1,498.99	1,096.72	8,909.85
Grand Total 'A' + 'B' (Plan + Non-Plan Expenditure) ..	4,756.93	4,813.53	1,674.69	1,183.37	12,428.52

Thus, on an overall assessment and leaving out of account the unallocable part of the expenditure, the development programmes during the Second and Third Plan periods, expressed in terms of expenditure, cannot be said to have been unequally shared between the Jammu and Kashmir regions. There does not, therefore, seem to be justification for the complaint of there having been deliberate discrimination exercised against either region. Ladakh's share has only been about one-fourth of that of the Jammu or Kashmir region ; and besides, out of the total developmental expenditure of Rs. 1,183.37 lakhs there, one single item—construction of roads—accounts for as much as Rs. 934.44 lakhs.

4.12. Before drawing any conclusions, however, we should like to invite attention to the table that follows, giving certain statistical data relating to the State of Jammu and Kashmir and its three regions.

Item	Jammu region	Kashmir region	Ladakh region	Total J & K State
1	2	3	4	5
1. <i>Geographical Area</i> (Sq. Miles)	10,073.1	5,836.0	37,753.8	53,664.9
2. <i>Population</i> (Mid Plan) (<i>Figures in lakhs</i>).				
First Plan (Projected)	12.78	17.32	0.82	30.92
Second Plan (Projected)	14.70	18.42	0.86	33.98
Third Plan (Projected)	16.73	20.06	0.95	37.74
3. <i>Actual Development Expenditure</i> (excluding items common to Jammu and Kashmir regions)				

(In lakhs of rupees)

First Plan period	.. ..	Not available	..	1,151.71	
Second Plan period :					
Plan	..	1,385.23	1,472.62	86.65	2,944.50
Non-Plan	..	245.22	153.25	.	398.47
<hr/>					
Total—Second Plan period (Plan + Non-Plan Expenditure)	..	1,630.45	1,625.87	86.65	3,342.97*

(In lakhs of rupees)

Item	Jammu region	Kashmir region	Ladakh region	Total J & K State
1	2	3	4	5
Third Plan period :				
Plan	.. 2,119.69	2,796.78	147.36	5,063.83
Non-Plan	.. 1,006.79	390.88	949.36	2,347.03
Total—Third Plan period (Plan + Non-Plan Expenditure)	.. 3,126.48	3,187.66	1,096.72	7,410.86*

4. *Per Capita Expenditure.*

(In rupees)

First Plan	..	..	..	37.25
Second Plan	.. 110.91	88.27	100.75	98.38*
Third Plan	.. 186.87	158.91	1,154.44	196.37*

5. *Expenditure per sq. mile.*

(In rupees)

First Plan	..	..	..	2,146
Second Plan	.. 16,186	27,850	229	6,229
Third Plan	.. 31,038	54,602	2,905	13,809

1. The figures exclude area under unlawful occupation of Pakistan and China and its population.
2. The figures marked with an asterisk do not take into account the developmental expenditure on items common to Jammu and Kashmir regions.

These figures show that the Jammu region's share of the total developmental expenditure has attained a certain parity with that of the Kashmir region. It does not, however, necessarily follow from this that in terms of actual performance also, the situation in the Jammu region is comparable to that in the Kashmir region. Similarly, the high *per capita* expenditure on Ladakh in the Third Plan period may not have much significance if the extremely low density of population of the area is kept in view.

4.13. The *per capita* developmental expenditure during the Third Plan period was Rs. 158.91 in the Kashmir region and Rs. 186.87 in the Jammu region while the developmental expenditure per square mile was Rs. 54,602 and Rs. 31,038 respectively. As an indication of development, the expenditure per unit of area is not a relevant factor in most sectors though it may have some relevance in those like Agriculture, Communications etc. The lower figure per square mile for the Jammu region perhaps only indicates that the sparsely populated and under-developed area is larger in the Jammu region than in the Kashmir region. To obtain an integrated view of the progress made in different sectors of development, the foregoing data have to be related to other relevant information, such as the physical achievements made in each of the sectors of development. These are discussed below for the following sectors :—

- (a) Agricultural Programmes ;
- (b) Irrigation ;
- (c) Power ;
- (d) Industries ;
- (e) Transport and Communications ;
- (f) Education ; and
- (g) Health and Family Planning.

4.14. *Agricultural Programmes.*—The expenditure incurred during each of the Second and the Third Plan periods on Agricultural Programmes in the Jammu and Kashmir regions was as follows :—

(In lakhs of rupees)

	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region	Total
Second Plan period	66.49	88.10	12.11	2.77	169.47
Third Plan period	165.02	269.99	24.86	28.93	479.80
Total	231.51	349.09	36.97	31.70	649.27

Under Agricultural Programmes, the activities included are : Agriculture, Horticulture, Animal Husbandry, Sheep Breeding and Wool Development, Dairying and Milk Supply, Fisheries and Forests and Soil Conservation. The figures shown above for the Second and Third Plans

pertain to expenditure incurred on all these activities. These figures show that the expenditure during the period of the Second and Third Plans on Agricultural Programmes in the Kashmir region was approximately fifty per cent more than in the Jammu region. The activities included in Agricultural Programmes are discussed separately below:—

(i) *Agriculture (including Horticulture)*.—The expenditure incurred on Agriculture in the Jammu and Kashmir regions during the Second and Third Plan periods was as follows :—

(In lakhs of rupees)					
	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region	Total
Second Plan period ..	15.00	30.97	7.48	..	53.45
Third Plan period ..	73.68	103.31	..	4.74	181.73
Total ..	88.68	134.28	7.48	4.74	235.18

The area under cultivation in each of these regions in the years 1950-51 and 1964-65 was as follows :—

	Unit	Year	Jammu region	Kashmir region	Ladakh region	Total
1. Gross area under cultivation	000 acres	1950-51	780	780	40	1600
		1964-65	1211	863	42	2116
2. Net area under cultivation	..	1950-51	746	753	37	1536
		1964-65	797	819	42	1658

Thus, while the gross area under cultivation in the Jammu region increased considerably between 1950-51 and 1964-65, it increased only marginally in the Kashmir region. In Ladakh it remained almost static. Further, while the gross area under cultivation in the Jammu region is much larger than in the Kashmir region, the investment in Agriculture in the former has been substantially less than in the latter.

(ii) *Animal Husbandry (including Sheep Breeding and Wool Development, Dairying and Milk Supply)*.—A considerable section of the

population of the State is engaged on sheep breeding and cattle-rearing. The State Government made the investments, indicated below, on Animal Husbandry in each of the regions during the Second and the Third Plan periods :—

<i>(In lakhs of rupees)</i>					
	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region	Total
Second Plan period	15.59	11.57	4.63	2.77	34.56
Third Plan period	33.16	68.98	4.95	16.21	123.30
Total	48.75	80.55	9.58	18.98	157.86

The progress achieved during the period of the three Plans is summarized in the following statement, which indicates the position immediately before the First Plan was launched and that at the end of the Third Plan period :—

Year	Indicator	Unit of measurement	Jammu region	Kashmir region	Ladakh region	Total
1950-51	1. Livestock population	Lakhs numbers	16.32	14.41	1.56	32.29
	2. Veterinary Hospitals and Dispensaries	Numbers	28	25	2	55
	3. Other Animal Husbandry Units	Numbers	3	2	..	5
1965-66	1. Livestock population	Lakhs numbers	23.50	14.86	2.43	40.79
	2. Veterinary Hospitals and Dispensaries	Numbers	65	73	4	142
	3. Other Animal Husbandry Units	Numbers	14	29	4	47

This table shows that though the livestock population in the Kashmir region is considerably smaller than in the Jammu region, the veterinary hospital facilities are better in the former and very much larger sums of money have been spent there than in the Jammu region or Ladakh.

(iii) *Forests and Soil Conservation*.—The activities of the State Government in this field of development can be judged from the following statistical tables :—

Expenditure :*(In lakhs of rupees)*

	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region	Total
Second Plan period	.. 34.39	40.54	..	..	74.93
Third Plan period	.. 57.98	82.91	17.47	7.56	165.92
Total	.. 92.37	123.45	17.47	7.56	240.85

Physical Achievements :

	Unit of mea- surement	Years	Jammu region	Kashmir region	Ladakh region	Total
1. Sowing and planting of economic and industrial species	Acres	1956-57 to 1960-61	2,140	2,660	300	5,100
		1961-62 to 1965-66	1,039	4,654	N.A.	5,693
2. (a) Rehabilitation degraded forests	of Number of plants plant- ed.	1956-57 to 1960-61	35,000	65,000	..	100,000
(b) -do-	Acres	1961-62 to 1965-66	791	800	..	1,591
3. Soil Conservation on water-shed basis	Acres	1956-57 to 1960-61	40,862	13,381	660	54,903
		1961-62 to 1965-66	28,243	20,012	N.A.	48,255

N.A. : Not available.

Thus, in the field of forestry, the Kashmir region has received more attention than the Jammu region. In Jammu the emphasis has been on soil conservation. One wishes that more attention was paid to afforestation in Ladakh.

(iv) *Fisheries*.—The expenditure on Fisheries during the Second and the Third Plan periods in the different regions was as follows :—

(In lakhs of rupees)

	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region	Total
Second Plan period	1.51	5.02	..	..	6.53
Third Plan period	0.20	5.79	2.44	0.42	8.85
Total	1.71	10.81	2.44	0.42	15.38

Thus, much higher investment was made in the Kashmir region than in either of the other two regions. In fact, in the Jammu region there was a sharp decline in the investment during the Third Plan period. The higher expenditure in the Kashmir region is perhaps attributable to the fact that the scope for development of fisheries there was much greater than in the other regions.

4.15. *Irrigation*.—The amounts invested during the Second and the Third Five-Year Plan periods on irrigation and the results as at the end of the Third Five-Year Plan period are as follows :—

	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region	Total
Expenditure during Second Plan period (In lakhs of rupees)	115.11	250.45	Nil.	1.48	367.04
Expenditure during Third Plan period (In lakhs of rupees)	169.05	527.16	120.98	4.07	821.26
Gross area under irrigation at the end of 1964-65 (In thousands of acres)	212	519	..	42	773

In irrigation, therefore, the Kashmir region is much better served than Jammu or Ladakh.

4.16. Power.—The expenditure incurred by the State Government on the development/purchase of power during the Second and the Third Five-Year Plan periods was as follows :—

(In lakhs of rupees)					
	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region	Total
Second Plan period ..	152.68	219.06	..	..	371.74
Third Plan period ..	539.53	379.05	40.85	..	959.43
Total ..	692.21	598.11	40.85	..	1,331.17

The actual achievements at the end of the Third Five-Year Plan period can be summarized thus :

	Unit of measurement	Jammu region	Kashmir region	Ladakh region	Total
Installed capacity	.. 000 KW.	3.50	24.00	Negligible	27.50
Electricity purchased	.. -do-	8.66	..	..	8.66
Towns and villages electrified	.. Actual number	177	349	Negligible	526

At the end of the Third Plan period, therefore, the availability of power in the Kashmir region was considerably more than in the Jammu region. In Ladakh it was almost negligible. The number of towns and villages electrified in the Kashmir region was almost double the number of those electrified in the Jammu region. The major Thermal/Hydel Projects under execution in the State are mentioned below :—

JAMMU :

- (1) Chenani Hydro Electric Project with an ultimate capacity of 24 MW.
- (2) Kalakote Thermal Power Project which is proposed to generate 22.5 MW.

KASHMIR :

- (1) Lower Jhelum Hydro-Electric Project—Installed capacity 96 MW.
- (2) Upper Sindh Hydel Project—intended to generate 34.5 MW.

4.17. Industries.—There are certain natural disadvantages in setting up industries in this State. Cheap transport, power and

entrepreneurship are all lacking and the Government have had, therefore, to take the initiative in laying the foundation of its industrialization. Two companies were set up in the public sector, viz, 'The Jammu and Kashmir Minerals Ltd.' and 'The Jammu and Kashmir Industries Ltd.' The following factories, arranged region-wise, are functioning at present :

J & K Minerals Ltd.

J & K Industries Ltd.

JAMMU :

- | | |
|-------------------------------------|----------------------------------|
| 1. Thermal Power Station, Kalakote. | 1. Sericulture |
| 2. Mining of Coal at Kalakote. | 2. Knitting Factory. |
| 3. Padder Sapphire Mining Project. | 3. Kashmir Willows. |
| | 4. Rosin and Turpentine Factory. |
| | 5. Sole Leather Plant. |
| | 6. Arts Emporium. |

KASHMIR :

- | | |
|----------------------------------|-----------------------------------|
| 1. Wuyan Cement Factory. | 1. Sericulture. |
| 2. Spun Pipe Factory. | 2. Woollen Mills. |
| 3. Prestressed Concrete Factory. | 3. Silk Weaving Factory. |
| | 4. Handloom Silk Weaving Factory. |
| | 5. Spinning Mill. |
| | 6. Joinery Mill. |
| | 7. Match Factory. |
| | 8. Pharmaceutical Works. |
| | 9. Leather Tanneries. |
| | 10. Bricks and Tiles Factory. |
| | 11. Arts Emporium. |

In addition, the following projects of the J & K Minerals Ltd. are under consideration :—

1. The Rayon Grade Pulp & Yarn Factory, Kashmir.
2. Cement Factories at Reasi and Basohli, Jammu.
3. A Paper Plant in Kashmir.

No factory has so far been located in Ladakh.

An idea of the performance of the six factories functioning under the J & K Minerals Ltd. can be had from Appendix 8 which is based on a note furnished by them.

There is not much industrial activity in the State and it is difficult to come to any definite conclusions about it from the data furnished by the State Government in this regard. The expenditure incurred on Industries during the Second Plan period has been split up by the State Government

region-wise to some extent but the entire investment during the Third Plan period has been shown as being common to the two regions of Jammu and Kashmir. The expenditure during the two Plan periods was as follows :—

<i>(In lakhs of rupees)</i>					
	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region	Total
Second Plan	.. 18.90	79.33	103.46	..	201.69
Third Plan	.. ..	..	864.07	..	864.07

The only conclusion that can be drawn from these figures is that Ladakh has not participated at all in the industrial development of the State.

The State Government have furnished some other information regarding the number of factories set up in each region and the number of workers employed in them. The relevant data are reproduced below :—

	<i>Jammu region</i>		<i>Kashmir region</i>	
	1952	1965	1952	1965
Number of factories	19	78	27	113
Number of workers engaged	1,067	4,034	4,742	5,826

This shows that the Jammu region has received less attention than the Kashmir region in industrial development.

4.18. Transport and Communications.—The expenditure incurred on Transport and Communications in the Second and the Third Plan periods in the three regions of the State was as follows :—

<i>(In lakhs of rupees)</i>					
	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region	Total
Second Plan period	.. 693.77	449.11	6.52	63.74	1,213.14
Third Plan period	.. 1,192.28	866.95	250.49	934.44	3,244.16
Total	.. 1,886.05	1,316.06	257.01	998.18	4,457.30

Thus, considerable expenditure has been incurred by the State Government in this sector of development. Roads (including National Highways) and Bridges account for a substantial part of this expenditure. The important roads of the State are at present in the charge of three agencies, viz, the State Public Works Department, the Central Public Works Department and the Border Roads Development Board under the Ministry of Transport, Government of India. The financial outlays on the construction of roads and bridges in the Second and the Third Plan periods in the different regions of the State were as follows :—

(In lakhs of rupees)

	Jammu region	Kashmir region	Ladakh region	Total
Second Plan period ..	487.12	245.48	63.74	796.34
Third Plan period ..	864.80	545.27	934.44	2,344.51
Total ..	1,351.92	790.75	998.18	3,140.85

The progress achieved in respect of roads under the State Public Works Department is shown below :—

(In miles)

Road mileage at the beginning of the First Plan period			Road mileage at the end of the Third Plan period.		
Jammu region	Kashmir region	Ladakh region	Jammu region	Kashmir region	Ladakh region

Motorable road mileage (including jeepable roads) :

(i) Surfaced ..	N.A.	416	715	1,201	Nil.
(ii) Unsurfaced ..	N.A.	207	594	487	229
Total ..	432	623	1,309	1,688	229

N. A. : Not available.

These figures do not include the many miles of roads throughout the State which are in the charge of Central Government agencies.

In both the Jammu and Kashmir regions a number of places have been opened up and connected by new roads and the State and the Union

Governments have applied themselves with vigour to this developmental activity. Much leeway has, however, still to be made up in the hilly and inaccessible areas of both the regions. In Ladakh, much road building activity has taken place recently but the Ladakhi people have not derived much benefit from them for lack of adequate civil transport facilities.

4.19. Education.—One significant feature of education in the Jammu and Kashmir State is that it is free from the kindergarten to the university stage. This has resulted in substantial growth in the education budget. The regional allocation of the State Government's expenditure on education during the last two Plan periods was as follows :—

(In lakhs of rupees)

	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region	Total
Second Plan period	.. 94.05	99.98	18.43	5.55	218.01
Third Plan period	.. 234.99	325.61	..	12.33	572.93
Total	.. 329.04	425.59	18.43	17.88	790.94

The progress made by the State Government in the matter of setting up of schools, colleges, professional institutions etc. in the three regions during the period of the last three Plans may be judged from the following table showing the number of various types of educational institutions and the enrolment of students belonging to the different age groups in the years 1950-51 and 1965-66 :—

Year 1950-51	Jammu region	Kashmir region	Ladakh region	Total
1. Primary Schools	.. 647	510	25	1,182
2. Middle Schools	.. 26	122	1	149
3. High and Higher Secondary Schools	16	26	2	44

Year 1950-51	Jammu region	Kashmir region	Ladakh region	Total
4. Colleges (other than Medical, Engineering, Agricul- tural and Teachers' Training)	.. 1	6	..	7
5. Teachers' Training :				
(a) T. T. Colleges	.. 1	1	..	2
(b) T.T. Schools	.. N.A.	N.A.	N.A.	N.A.
6. Enrolment :				
(a) 6-11 years age	.. 20,000	35,000	1,000	56,000
(b) 11-14 years age	.. 3,000	18,000	100	21,100
(c) 14-17 years age	.. 1,000	3,000	20	4,020
Year 1965-66 :				
1. Primary and Basic Schools	.. 1,937	2,355	212	4,504
2. Middle Schools	.. 522	582	27	1,131
3. High and Higher Secondary Schools	.. 190	223	9	422
4. Colleges (other than Medical, Engineering, Agricul- tural and Teachers' Training)	.. 7	9	..	16
5. Teachers' Training:				
(a) T. T. Colleges	.. 1	1	..	2
(b) T. T. Schools	.. 6	4	2	12
6. Enrolment :				
(a) 6-11 years age	.. 1,42,000	1,44,000	5,000	2,91,000
(b) 11-14 years age	.. 38,000	48,000	1,000	87,000
(c) 14-17 years age	.. 16,000	25,000	300	41,300

N.A. : Not available.

It would also be worthwhile to compare the student-teacher ratios in high schools and colleges in the various regions :

	Jammu region	Kashmir region	Ladakh region	Total
<hr/>				
High and Higher Secondary Schools :				
Year 1965-66 :				
1. Number of High and Higher Secondary Schools	.. 190	223	9	422
2. Enrolment	.. 63,867	65,606	935	1,30,408
3. Number of Teachers	.. 2,734	3,363	77	6,174
4. Teachers per Institution	.. 14.4	15.0	8.6	14.6
5. Students per Teacher	.. 23	20	12	21
Colleges :				
Year 1965-66 :				
1. Number of Colleges	.. 7	9	..	16
2. Number of Teachers	.. 245	367	..	612
3. Enrolment	.. 3,813	6,840	..	10,653
4. Teachers per Institution	.. 35	41	..	38
5. Students per Teacher	.. 16	19	..	17

The data given above indicate the progress made in this vital field of development. They also show that in education, the Kashmir region has done better than the other regions. The student-teacher ratio for high and higher secondary schools is smaller in the Kashmir region than in the Jammu region, though for colleges it is higher in the former. Enrolment in colleges is much higher in the Kashmir region—almost twice the enrolment in the Jammu region, though the former has only two more colleges. Professional institutions also are located mostly in the Kashmir region. The Agriculture College at Ranbirsinghpura in the Jammu Division has since been ordered to be closed.

4.20. *Health and Family Planning*.—The steps taken by the State Government to improve the conditions of public health, which at the beginning of the First Five-Year Plan period were far from satisfactory, are summarized below :—

(In lakhs of rupees)

Expenditure :	Jammu region	Kashmir region	Common to Jammu and Kashmir regions	Ladakh region	Total
Second Plan period	79.03	72.32	17.70	1.62	170.67
Third Plan period	140.13	208.43	8.41	6.51	363.48
Total ..	219.16	280.75	26.11	8.13	534.15

Physical Achievements :

Indicator	Year	Jammu region	Kashmir region	Ladakh region	Total
Number of Hospitals	.. 1950-51	4	4	Nil	8
	1965-66	10	9	1	20
Number of Dispensaries	.. ..	N.A.	N.A.	N.A.	11
		269	236	9	514
Number of Primary Health Centres	.. ..	Nil	Nil	Nil	Nil
		23	30	Nil.	53
Bed Strength	.. ..	150	450	Nil.	600
		1,540	2,224	50	3,814
Number of Family Planning Centres	.. ..	Nil	Nil	Nil	Nil
		8	10	1	19
Number of Doctors	.. ..	86	98*	N.A.	184
		298	471	19	788

1. N.A. : Not available.

2. The figure marked with an asterisk includes the number of doctors in Ladakh region.

These tables show that at the end of the Third Plan period there was no great disparity between the Jammu and Kashmir regions in regard to the number of Hospitals, Dispensaries, Family Planning Centres and Primary Health Centres set up. The number of Doctors was, however, almost 60 per cent more in the Kashmir region than in the Jammu region at the end of the Third Five-Year Plan period. It is also to be noted that even though the Kashmir region had only 9 hospitals at the end of the Third Plan period as against 10 in the Jammu region, the bed-strength in the former was about 50 per cent more than in the latter. In Ladakh the facilities available appear to be extremely poor.

4.21. Conclusions.—Thus, as we have said in paragraph 4.08, so far as developmental expenditure within the Plans is concerned, the expenditure incurred in the Kashmir region has been about twenty-two per cent more than that incurred in the Jammu region. But it is only by taking into account the developmental expenditure incurred outside the Plans also that some kind of arithmetical parity between the two regions can be established. When we consider the items that constitute non-Plan developmental expenditure, we do not think that one should attach much importance to such parity. Appendix 7 shows that the non-Plan items are : Transport and Communications, National Highways and Colonics (Rehabilitation of Displaced Persons). In so far as 'Transport and Communications' and 'National Highway' are concerned, it is difficult to say to what extent these may be deemed to serve purely regional needs and interests. It is doubtful whether the expenditure on the rehabilitation of displaced persons can be treated as developmental expenditure in the ordinary sense of the term. We have noticed that in most of the sectors of development discussed in paragraphs 4.14 to 4.20, judged by the physical achievements, the Kashmir region has done better than the other regions.

4.22. In absolute terms it is very difficult to define equitability as applied to the sharing of resources by different regions of a State and perhaps even more difficult to achieve it in practice. In judging this, several factors have to be taken into account such as population, area, specific needs, potential available etc. Irrespective of the criteria that are adopted for the purpose, it is important that the people of each region should have a feeling of equal participation in the integrated development of the State. From the various memoranda and the oral evidence, we came to realize how strongly Jammu nurses a feeling of being discriminated against in developmental matters. It is not possible to ignore this feeling of dissatisfaction even allowing for the fact that much of it seems to be psychological. The position of Ladakh is somewhat similar. From the statistical and other data which we have examined in this Chapter, the conclusion seems fairly clear that the Kashmir region has on the whole received more attention than the other regions during the period of the three Plans. Even so,

we do not think that on the basis of the material available to us, we would be justified in concluding that the State Government have deliberately discriminated against either Jammu or Ladakh.

4.23. In oral testimony as also in a number of memoranda, it was represented to us that within both the Jammu and Kashmir regions there are certain pockets which have remained much more backward than the rest of the region. These are the hilly and inaccessible parts of the State. It has not been possible to assess the extent of development, or the lack of it, in these areas as district-wise details of development programmes and developmental expenditure are not maintained by the State Government. From the evidence produced before us, however, we feel that these areas deserve special attention and the Government should address themselves urgently to the task of developing them speedily.

4.24. The development in Ladakh during the period of the three Plans has been inadequate. True, a number of roads have been constructed in the area but the public transport facilities still remain unsatisfactory. We feel that a vitally important border area like Ladakh should receive greater attention from both the State Government and the Union Government and that the Ladakhis should not be allowed to nurse a feeling that they are being left out in the State's march to prosperity.

4.25. *Recommendations.*—We have given thought to the question of how best to ensure that the resources available to the State Government are shared equitably by the regions so that they have a feeling of equal participation in the integrated development of the State. It is not easy to lay down a rigid formula for the purpose nor do we think it is necessary to devise one. We should, however, like to visualize an arrangement whereby the regions can have the maximum opportunity to draw up their own developmental programmes and to implement them subject to the interests of the State as a whole.

4.26. We would suggest that there should be a statutory State Development Board and statutory Regional Development Boards for the three regions—Jammu, Kashmir and Ladakh. Each of the Regional Boards should be headed by the Chief Minister or the Planning Minister and should consist of legislators from the regions, economists, experts and concerned officials. The regions should be adequately represented on State Development Board which should be headed by the Chief Minister.

4.27. The functions of the Regional Development Boards should be :—

- (a) to draw up the regional Plans ;

(b) to assign priority to schemes and projects included in the regional Plans ; and

(c) to supervise the implementation of the regional Plans.

In discharging these functions it should be the special responsibility of the Regional Development Boards to look after the special needs of the backward areas in their respective regions.

4.28. The regional Plans prepared by the Regional Development Boards should be placed before the State Development Board which should carefully scrutinize them. The State Development Board should also prepare a residuary Plan of such schemes and projects as transcend regional boundaries or happen to be of an all-State, as opposed to regional, interest. With the regional Plans and the residuary Plan before it, the State Development Board should allocate Plan funds equitably (after taking into account the population, area and the specific needs of each region) to the regional Plans and the residuary Plan of all-State interest.

4.29. We consider it very important that the general population should be kept correctly and adequately informed of the progress of development programmes and developmental expenditure. We would accordingly suggest that the State Development Board and each of the Regional Development Boards should prepare at the end of each year a report of their respective activities giving details of the progress of the Plan programmes and Plan expenditure. At the end of each Plan, similar detailed reports should be prepared by the Boards indicating the physical and financial targets and the physical and financial achievements. All these reports should be laid before the Legislature as soon as may be after they are prepared.

CHAPTER V

RECRUITMENT POLICIES

5.01. Introduction.—We shall now examine the recruitment policies of the State Government as required by our second term of reference. We have also to “recommend measures for giving an equitable share in the Government employment to the various regions and communities, having special regard to the claims of the Scheduled Castes and other economically, educationally and socially backward communities, classes and groups....”

Several memorialists and representatives have complained that in the matter of recruitment to Government services there is discrimination on communal or religious grounds, or a lack of reservation for the Scheduled Castes and for those who claim to be economically, educationally and socially backward. The question of giving an equitable representation in the services to the various communities of the State has a rather long history. In the late twenties and early thirties there were complaints that the Muslims, who formed the great majority of the population, were not adequately represented in the State services and that this was also true of certain minority communities of the State.

5.02. Glancy Commission.—In November 1931, a Commission was appointed consisting of 4 non-official members, presided over by a European member, Mr. Bertrand J. Glancy, of the Indian Civil Service (seconded to the then Indian Political Service), who was lent to the Jammu and Kashmir State by the Government of India, to enquire into and report on the various complaints of religious or general nature already submitted to the State Government and also such complaints as might be directly laid before the Commission. It was from his name that the Commission derived its popular title of “the Glancy Commission”.

5.03. Recommendations.—On the question of employment in the public services of the State, the Glancy Commission found that generally the Muslims and certain minority communities were inadequately represented in the services. It made certain recommendations with a view to achieving a more equitable method of recruitment to the services and affording to every community a fair chance of representation. Its principal recommendations on the subject are summarized below :

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1. Chapter IV of the Report of the Commission appointed under the Orders of His Highness the Maharaja Bahadur, dated the 12th November, 1931, to inquire into Grievances & Complaints, 2nd Edition, 1933 (hereafter referred to as the Report of the Glancy Commission)

- (i) While there need not be different standards for different communities, the standard should not be more exacting than efficiency demanded and those who possessed qualifications in excess of that standard should not be held to deserve appointment as a matter of right.
- (ii) There was no need to change the age limit which was then thirty years.
- (iii) Appointments and scholarships should be properly advertised and given as wide publicity as possible.
- (iv) Due regard should be paid to the legitimate interests of every community in the matter of recruitment to Government services and the grant of scholarships for training provided that suitable candidates were forthcoming.

5.04. In regard to the claim that the Muslims, who constituted 78 per cent of the State's population, should be given a corresponding reservation in Government appointments, the Commission observed that it rested with the Muslims to work up the number of their representatives in State services by availing themselves of the opportunities to be provided. It also observed that the hereditary occupation of a vast number of Muslims was agriculture and it was reasonable to suppose that the great majority of agriculturists would continue to prefer that occupation to any other. While no community should be allowed to acquire a stranglehold on State employment, the Commission wanted it to be recognized that certain communities were far in advance of others in ²education.

5.05. It was claimed before the Glancy Commission that although no scholarships had been specifically reserved for Kashmiri Pandits, over 50 per cent of their numbers were literate (a far higher percentage than in any other community), that ministerial work had been their hereditary occupation and that they had no other means of subsistence readily available. The Commission recognized the force of this contention and recommended that the need for other openings that could be legitimately provided for those who could not be absorbed in State departments should receive the sympathetic attention of the Government. It should be carried out to the best of the Government's ability, for example, in the ³field of industrial development, etc.

2. Page 24 of the Report of the Glancy Commission.

3. Page 25 of the Report of the Glancy Commission.

5.06. These recommendations of the Commission were accepted by the then Ruler of the ⁴State.

5.07. *Recruitment Rules Committee.*—The recommendations of the Glancy Commission did not bring about a final solution to the problem. A few years later a Committee was appointed to formulate proposals for recruitment to, and training for, the services. The Recruitment Rules Committee was presided over by Mr. P. C. Mogha, then Revenue Minister, and its members were the Chief Justice, the Chief Secretary and the Accountant General of the State, besides Mr. M. Afzal Khan, Revenue Commissioner and later Home Minister of the State. The report of the Committee on the gazetted services was published in 1939 and that on the non-gazetted services in 1941.

5.08. *Main recommendations of the Committee.*—The Committee made detailed proposals regarding the classification of each service, gazetted and non-gazetted, into classes and categories, the method of recruitment to each class and category and the qualifications required of the candidates. The main recommendations of the Committee which involved a departure from, or improvement on, the position under the Glancy Commission's Report are summarized below:—

- (i) For direct recruitment the age limit should be reduced to 28 years except for gazetted appointments in such departments as the Judicial, Education and Medical Departments where higher educational qualifications were required. In the Judicial and Education Departments, an age limit of 30 years was recommended and in the case of the Medical Department a still higher age limit of 32 years was ⁵proposed.
- (ii) For gazetted services the normal method of recruitment should be by a competitive examination. Direct recruitment by nomination was provided for in most of the services but the Committee did not consider it desirable to fix a ratio between nomination and recruitment by competition as it thought that recruitment by nomination should be resorted to only exceptionally and should not be regarded as a normal method. The Committee recommended a proportion between direct appointments and promotions, including transfers, varying from 50 to 75 per cent according to the circumstances of each department. One consideration on

4. Orders on the recommendations mentioned in the Report of the Glancy Commission.

5. Page I of the Interim Report of the Recruitment Rules Committee re: Gazetted Services, 1939.

which a larger proportion was recommended for direct recruitment was that it would give a better chance for regulating communal ⁶representation.

- (iii) For non-gazetted services the Committee recommended five methods of recruitment, namely, selection, nomination, competitive examination, promotion from a lower category or grade and transfer from another class. Recruitment partly by one method and partly by another was also recommended. The Report also indicated the proportion in which recruitment should be made direct, *i.e.*, by selection, nomination or competitive examination, and by promotion or transfer. For technical departments such as the Medical and Public Works Departments, recruitment by competitive examination was not considered necessary and nomination or selection was considered ⁷sufficient.

5.09. The Report of the Committee indicates that though no definite orders existed at the time on the subject of communal representation, 50 per cent representation for the Muslim community was supposed to be the ⁸aim. This Committee also suggested rules for the various competitive examinations recommended by it and detailed syllabuses for each of them.

5.10. *Position after introduction of popular rule.*—After the introduction of popular rule in the State in 1947, there was large expansion of the services as a result of accelerated developmental activities of the State Government. We have been advised by the State Government that between 1947 and 1953, recruitment was made in some Departments after observing the usual formalities but “there were cases where this was not done”. In explanation, it has been stated that “recruitment could not probably be made strictly under the rules which were sanctioned as far back as in 1941”. We have also been informed that immediately after 1947, some appointments in the higher ranks were also made from political cadres, though the number of such appointments was small.

5.11. *Jammu and Kashmir Public Services Reorganization Committee.*—To enable measures being taken towards the establishment of a State Public Service Commission as a statutory body, the State Government set up in

6. Page 2 of the Interim Report of the Recruitment Rules Committee re:Gazetted Services, 1939.

7. Pages 1-3 of the Report of the Committee appointed to formulate proposals for recruitment to Government services (Non-Gazetted Services), 1941.

8. Page 3 of the Interim Report of the Recruitment Rules Committee re:Gazetted Services, 1939.

October 1953 a Committee known as the Jammu and Kashmir Public Services Reorganization Committee. Its functions were :—

- (i) To examine the existing Kashmir Civil Service Recruitment Rules and other rules governing recruitment to the gazetted cadre and the holding of the Kashmir Civil Service Competitive tests.
- (ii) To examine the rules for the holding of departmental examinations.
- (iii) To suggest measures to ensure equitable representation of the various sections of the people and to provide special opportunities and incentives for securing adequate representation of under-represented communities in Government service.
- (iv) To advise the Government for the time being with regard to recruitment to gazetted cadres.
- (v) To examine the working of all the departments of the Government including the Secretariats (excepting the Assembly Secretariat) in order to ensure efficient and speedy disposal of business.
- (vi) To suggest measures of economy in expenditure in the administration, wherever possible.
- (vii) To examine the question of reorganization of services wherever necessary.
- (viii) To conduct an appraisal of the revenue resources of the State.

The Committee does not seem to have submitted a report ; the State Government have informed us that no copy of such a report is traceable.

5.12. Jammu and Kashmir Public Service Recruitment Board.—

By an Order dated 31 December 1954 the Government appointed a Recruitment Board for recruitment to the superior services of the State. The powers and functions of this Board, designated as the Jammu and Kashmir Public Service Recruitment Board, were laid down in a subsequent Order dated 2 May 1955. It was required to advise the Government on the method, manner and principles governing direct recruitment to gazetted services and such non-gazetted superior services as might be specified

by the Government from time to time, in accordance with the qualifications, standards and other requirements laid down in the recruitment rules and other rules issued in that behalf. The activities of the Board were thus confined to cases of direct recruitment and promotion cases did not fall within its purview. We have been told by the State Government that while the Board made recommendations regarding direct recruitment to gazetted services from time to time, very few cases of non-gazetted establishment were referred to it. On the establishment of a Public Service Commission in the State, the Recruitment Board was abolished on 2 September 1957.

5.13. *The Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.*—In June 1956, the State Government promulgated the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules. These rules were originally framed in exercise of the powers conferred on the Government by the Jammu and Kashmir Civil Servants (Removal of Doubts and Declaration of Rights) Ordinance, 1956. When the Ordinance was replaced by a regular Act of the Legislature, the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules were saved and they are still in force. Various representatives have complained that certain provisions of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules are being ignored or applied in such a way as to cause irritation and result in undue discrimination. The provisions which are alleged to be generally ignored are those relating to the prescription of qualifications for recruitment, seniority and promotions. Those which are alleged to be misused are the ones relating to the reservation of posts for the backward classes and the provision that enables the Government to declare that the Jammu and Kashmir (Classification, Control and Appeal) Rules, 1956, shall not apply in whole or in part to a particular person or group of persons or to relax in individual cases and for reasons to be recorded in writing, any of those rules or any rules made thereunder if the Government is satisfied that a strict application of the rules would cause hardship to the individual concerned or confer undue benefit on him.

5.14. In order to judge whether the provisions of the rules of the Jammu and Kashmir Government have any unusual characteristics, they have been compared with the corresponding rules of the Union Government and of a few other States in the country. It has been found that so far as the procedure for consultation with the Public Service Commission is concerned the position in the Jammu and Kashmir State is on the whole similar to the position obtaining elsewhere. The differences, where they exist, are marginal. The only point which may be considered to make some difference is the exclusion of all appointments, promotions and transfers to non-gazetted services in Jammu and Kashmir from the purview

of the Public Service Commission of the ⁹State. But it is relevant to point out here that several categories of posts which would be included in the non-gazetted category in other States, are included in the gazetted category in Jammu and Kashmir.

5.15. In regard to the provisions of the Classification, Control and Appeal Rules also, the position in Jammu and Kashmir does not appear to be materially different from the position at the Centre or in some other States.

5.16. The regulations relating to their Public Service Commission or the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules do not, therefore, by themselves allow special scope for discrimination in the matter of recruitment, transfers etc. of the State Government staff.

5.17. Coming to the complaints mentioned in paragraph 5.13, it may be mentioned that up-to-date recruitment rules do not exist for several services and posts. The absence of such rules has been the subject of criticism by the State Public Service Commission. They have complained that for a large majority of posts referred to them proper recruitment rules have not been framed and among those that exist, some are obsolete and require revision. They have also observed that for a large number of posts, qualifications have not been prescribed nor have the posts been ¹⁰classified. This criticism has appeared in more than one Report of the Commission. The State Government are aware of this unsatisfactory position and steps are being taken to frame proper recruitment rules. According to available information, proper recruitment rules exist in the case of 4 State services only ; for one service the rules require to be brought up to date ; for 5 services the rules are still in the draft stage and for 10 other services no rules have been drafted so far. The progress of framing the recruitment rules needs to be speeded up.

5.18. *Results of competitive examinations.*—Here we should like to mention that some representatives demanded that the detailed subject-wise results of the competitive examinations held by the State Public Service Commission should be published for general information as was the practice before 1947. They thought that such publication would remove any possible doubts with regard to the results and would also enable the public to judge whether or not the appointments had been made strictly on the basis of merit. In the course of his evidence before us, the Chairman

9. Regulation 4 of the Jammu and Kashmir Public Service Commission (Limitation of Functions) Regulations, 1957.

10. Annual Reports of the Jammu and Kashmir Public Service Commission for the years 1963-64 and 1965-66.

of the State Public Service Commission stated that the Commission only published the aggregate marks of the candidates and that if it was the practice of the Union Public Service Commission to publish the detailed results, subject-wise, in respect of the examinations held by it, the State Public Service Commission would also consider doing so. He, however, added that a considerable time-lag in the publication of the detailed results would be unavoidable. In order to allay any misgivings in the mind of the public, we should like to recommend that the results, complete in all details, of all competitive examinations held by the State Public Service Commission, and any other Recruitment Board that may be set up, should be published. These results should be sent to all the candidates who have taken the examination or, if this is not always feasible, they should at least be made available for scrutiny on request.

5.19. Seniority Lists.—The Annual Reports of the Public Service Commission also indicate that proper seniority lists are not always being ¹¹maintained. We have been told that the State Government are drawing up seniority lists, service by service. The State Government are having difficulty in doing so because of past neglect. It is needless to say that the drawing up of correct seniority lists and maintaining them up to date is a *sine qua non* for being able to deal with cases of promotion on a fair basis.

5.20. Confidential rolls.—Another defect pointed out in the Annual Reports of the Public Service Commission is that the confidential rolls of the members of the services are not always ¹²submitted. When a question of supersession is involved this naturally makes it difficult for the Commission to judge whether the supersession is justified or not. Some of the memoranda presented to us have expressed the fear and suspicion that the remarks actually recorded in the character rolls were influenced by extraneous considerations. It is obviously necessary that the annual confidential rolls should be written up regularly and objectively and that provision should be made for review of the rolls by an authority superior to the reporting officer wherever such a provision does not already exist. We presume that adverse entries recorded in the confidential rolls of Government servants are communicated to them in accordance with the general practice in this matter. A procedure should be prescribed for dealing properly with representations of Government servants against such adverse entries.

5.21 Viva Voce Tests.—Complaints have been made to us that in the matter of recruitment to Government services, undue weightage is being given to *viva voce* tests. and that this leads to discrimination. No

11. Annual Reports of the Jammu and Kashmir Public Service Commission for the years 1964-65 and 1965-66.

12. Annual Report of the Jammu and Kashmir Public Service Commission for the year 1964-65.

party, however, has been able to substantiate this charge. We obviously cannot recommend that *viva voce* tests should be dispensed with, nor do we consider that the weightage given by the State Government to such tests is disproportionately large.

5.22. Communal Reservation.—Our terms of reference require us to recommend measures for giving an equitable share in Government employment to the various regions and communities, having special regard to the claims of the Scheduled Castes and other economically, educationally and socially backward communities, classes and groups among the citizens of the State consistently with the maintenance of efficiency of administration. It has been enjoined on us that in considering this matter we should take note of the provisions contained in Part III—"Fundamental Rights" as well as other provisions of the Constitution of India as made applicable to the State of Jammu and Kashmir and of the Directive Principles of State Policy laid down in Part IV of the Constitution of Jammu and Kashmir and particularly of Section 23 thereof. As mentioned at the outset of this Chapter, the problem of affording equitable representation to the various communities of the State in the services is not a new one. Even the Glancy Commission and the Recruitment Rules Committee had occasion to deal with the matter many years ago.

5.23. The irritations and tensions mentioned in our fourth term of reference and which are likely to arise from various causes, including those that have given rise to our other three terms of reference, are not confined to the State of Jammu and Kashmir. Irritations and tensions arising from similar causes exist in the minds of different communities and groups of citizens in other parts of India too; and it is the urgent and paramount duty of Indian democracy to remove the causes of such irritations and tensions. This problem has become more acute with the passage of time, the growth of population, the adoption of the Welfare State ideology and the spread of mass education. Unless the socially and economically weaker sections of the Indian community, including the Scheduled Castes and the backward classes, as well as the members of linguistic and religious minorities residing in all parts of India, feel that the concept of equality of opportunity and justice—political, social and economic—has become a reality in their lives, these tensions and irritations are likely to continue. The goal set by the Constitution of India before Indian democracy to afford equality before law to all citizens and to create a social and economic structure in which every citizen will be able to enjoy fully life, liberty and happiness yet remains to be attained and it must be the earnest endeavour of Indian democracy to reach that goal as early as possible. We would like to emphasize here that in the matter of irritations and tensions, whatever happens in the rest of India is bound to have an immediate impact on the State of Jammu and Kashmir and *vice versa*. These general observations will apply to the further discussion of the problems

which have been referred to us. How the causes for irritations and tensions existing in the minds of groups of citizens in the rest of India should be removed is a matter with which we are not concerned in the present inquiry.

5.24. We have obtained from the State Government statistical data regarding the communal and regional composition of the State Government staff as on 1 April 1967 as well as the communal and regional composition of the persons recruited to the State Government services, year by year, from 1961-62 to 1965-66. We have also had before us the statistical data furnished by the State Government to the High Court of Jammu and Kashmir in regard to the regional and communal composition of the gazetted and non-gazetted staff of the State Government as on 10 September 1963 in the case of Triloki Nath and another *Vs.* State of Jammu and Kashmir and others, a case to which we will make further reference in the subsequent paragraphs of this Chapter. Appendix 9 is a summary of the data as compiled in the Commission's Secretariat. It will be seen that region-wise, the position in the Kashmir Valley, taking both the rate of annual recruitment and the total strength of the staff, has improved while the corresponding position in Jammu has deteriorated. Though the Kashmir region's population is 53.3 per cent of the total population of the State, its share in the services as on 1 April 1967 was 60.9 per cent. The Jammu region's population is 44.2 per cent of the total population of the State but its share in the services on 1 April 1967 was only 36.1 per cent. The rate of recruitment of Ladakhis has shown a decline from 2.5 per cent in 1961-62 to 1.4 per cent in 1965-66. Their total share in the services as on 1 April 1967, however, was slightly in excess of the proportion of the population of Ladakh to the total population of the State. Community-wise the position of Muslims has shown an improvement though their total share in the services on 1 April 1967 was appreciably less than what it should be on the basis of population. The position of Hindus has shown a decline though their share in the services as on 1 April 1967 was substantially higher than what was due to them according to their population. The annual intake of Buddhists has also shown a fall. The recruitment of Sikhs in the services has been fluctuating from year to year but their share on 1 April 1967 was considerably in excess of what was due to them on a population basis.

5.25. Constitutional provision.—Prior to the coming into force of the Constitution of India, reservations in the services, the legislatures etc. in the country were made on the basis of religion. The recommendations of the Glancy Commission also seem to have followed the same pattern. Article 370 of the Constitution of India, which came into force on 26 January 1950, makes a special provision with respect to the State of Jammu and Kashmir. The President issued an order under that Article on 14 May 1954 extending the application of the provisions of the Constitution of India

to Jammu and Kashmir and indicating the exceptions and modifications subject to which they should ¹³apply. This order made Article 15 of the Constitution, prohibiting discrimination on grounds of religion, race, caste, sex or place of birth, and Article 16, guaranteeing equality of opportunity in matters of public employment, applicable to the State of Jammu and Kashmir, subject to the following modifications :—

- (i) The reference to Scheduled Tribes in clause (4) of Article 15 is to be omitted; and
- (ii) the reference to State in clause (3) of Article 16 is to be construed as not including a reference to the State of Jammu and Kashmir.

Article 29 dealing with protection of minorities became applicable without any modification. Section 10 of the Constitution of Jammu and Kashmir, which came into force on 17 November 1956, guarantees to the permanent residents of the State all the rights guaranteed to them under the Constitution of India, including the provisions of Articles 15, 16 and 29. In Section 23, the Constitution of Jammu and Kashmir lays down a directive principle that the State shall guarantee to the socially and educationally backward sections of the people special care in the promotion of their educational, material and cultural interests and protection against social injustice.

5.26. Position of Scheduled Castes and Scheduled Tribes.—Apparently no tribe in Jammu and Kashmir is treated as a Scheduled Tribe. No special constitutional safeguards have been made for such tribes. For Scheduled Castes, the only Article—Article 335—in the Constitution of India dealing with the claims of the Scheduled Castes to services and posts has been rendered inapplicable to services and posts in connection with the affairs of the Jammu and Kashmir State by virtue of sub-para (11) of paragraph 2 of the Constitution (Application to Jammu and Kashmir) Order, 1954.

5.27. Implementation of the Constitutional provisions by the State Government.—The Government of Jammu and Kashmir do not appear to be following any clear-cut policy either in the classification of backward classes or in the matter of special benefits to be given to them. In February 1956 they issued a notification in which certain classes were recognized as 'backward classes'. The list has been amended from time to time. A copy of the list as it stands now is attached at Appendix 10. As far as we have been able to understand, this list has been used only for the limited

13. The Constitution (Application to Jammu and Kashmir) Order, 1954.

purpose of granting special scholarships to students belonging to these classes. In June 1956 the State Government issued the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules in which a clause was included to enable the State Government to make reservations in Government services in favour of any backward class which, in the opinion of the Government, was not adequately represented in the services. It appears, however, that the term "backward classes" used for the purpose of recruitment did not have the same meaning as the one mentioned in the notification of February 1956, as amended from time to time. In fact the State Government do not appear to have issued any clear-cut orders, statutory or other, specifying which are the backward classes for the purpose of being accorded special facilities in the matter of recruitment to Government services. They have had some working rule which has been subject to modification from time to time to suit particular situations. The latest working rule, as it emerged from an affidavit filed by the State Government in a ¹⁴writ petition submitted by two teachers to the Supreme Court, is apparently that 50 per cent of the posts are to be filled by Muslims from the entire State of Jammu and Kashmir and 40 per cent of them are to be filled by Jammu Hindus. The State Government sought to justify this working rule in the Supreme Court on the ground that Muslims as a community in the whole of the State of Jammu and Kashmir formed a "backward class" of citizens and they were not adequately represented in the services in the State; and that similarly; Hindus from the province of Jammu formed "a backward community" and were not adequately represented in the services of the State. Accordingly, reservation in the matter of appointments to posts and promotions in the services of the State was made in respect of both these classes.

5.28. Supreme Court's Rulings.—The Supreme Court examined the position at great length and observed as ¹⁵follows :—

"Clause (4) of Art. 16 undoubtedly empowers the State to make reservation of appointments or posts in favour of any backward class of citizens so as to give the class an adequate representation in the services under the State. The provision making such reservation need not be by a statutory enactment; it may be made by an executive order or direction. But there is not even a formal executive order expressly dealing with reservation of posts and appointments in the Education Department. On behalf of the State it is claimed that as a

14. Writ Petition No. 107 of 1965 in the Supreme Court of India.

15. Judgement of the Supreme Court in Writ Petition No. 107 of 1965—Triloki Nath and another Vs State of Jammu and Kashmir and others—delivered on 23 April 1968.

matter of State Policy, in making appointments and promotions, reservations in fact have been made by the State as alleged by the petitioners with some variations as to percentage reserved for the Hindus from Province of Jammu....

"The expression 'backward class' is not used as synonymous with 'backward caste' or 'backward community'. The members of an entire caste or community may in the social, economic and educational scale of values at a given time be backward and may on that account be treated as a backward class, but that is not because they are members of a caste or community, but because they form a class. In its ordinary connotation the expression 'class' means a homogeneous section of the people grouped together because of certain likenesses or common traits, who are identifiable by some common attributes such as the status, rank, occupation, residence in a locality, race, religion and the like. But for the purpose of Art. 16(4) in determining whether a section forms a class, a test solely based on caste, community, race, religion, sex, descent, place of birth or residence cannot be adopted, because it would directly offend the Constitution.

"In the voluminous evidence produced before the High Court a formal order making a provision for reservation of appointments or posts in favour of any backward class of citizens does not find a place. The only evidence to which our attention has been invited is the statement of Malik Ghulam Nabi, who deposed 'that the policy laid down by the Government in matters of the employment to the State services is that 50 per cent of the vacancies are reserved for the Muslims of Kashmir (for the entire State). Out of the remaining 50 per cent, 40 per cent are reserved for the Jammu Hindus and 10 per cent for the Kashmiri Hindus. There are a number of Government orders by which this policy has been laid down, but due to the short time at my disposal, I have been able to get only one copy of such order, which is signed by the Chief Secretary, whose handwriting I know and identify'. In cross-examination Malik Ghulam Nabi stated that the order produced by him applied to all kinds of services under the State and it was being implemented even now and was still in force. The witness was unable to speak to the criteria on the basis of which the order was issued..... It was recorded in paragraph-4 of the order that a Selection Board consisting of four Secretaries to the Government was set up and they were asked to prepare a Select List on the basis of merit-cum-seniority, keeping

in view the policy of adequate representation of such elements as are not adequately represented in the services and to pay due regard to provincial proportions. There is no reference in any of the clauses of the order to selection of officers on the basis that they belong to backward classes. The injunction to the Secretaries to select candidates keeping in view the policy of adequate representation of such elements as were not adequately represented in the services is not a provision making reservation of appointments or posts in favour of backward classes. Selections made, assuming that similar orders were passed enjoining the making of promotions to the gazetted cadre in the Educational Service, could not be deemed to have been made on the basis of backwardness of the class to which they belonged.

“The State of Jammu and Kashmir had, it is admitted, from time to time framed lists of backward communities. But it is not claimed that in making promotions to the gazetted cadre in the Educational Service, the authorities acted in pursuance of the List. . . . As already observed the normal rule contemplated by the constitutional provision is equality between aspirants to public employment, but in view of backwardness of certain classes it would be open to the State to make a provision for reservation of appointments or posts in their favour. When the State proceeds not to make reservations in favour of any backward class, but to distribute the total number of posts or appointments on the basis of community or place or residence, no reservation permitted by cl. (4) of Art. 16 can be said to be made. In effect the State policy which Malik Ghulam Nabi spoke to was a policy not of reservation of some appointments or posts : it was a scheme of distribution of all the posts community-wise. Distribution of appointments, posts or promotions made in implementation of that State policy is contrary to the constitutional guarantee under Art. 16(1) and (2) and is not saved by cl. (4).

“The promotions granted to respondents 3 to 83 are accordingly declared contrary to the provisions of Art. 16(1) and (4) of the Constitution and therefore void.”

5.29. The Supreme Court had also occasion to examine the legality of reservation on a regional basis, in connection with a series of writ petitions filed against the policy of the Madras Government of allocating the seats in the Medical Colleges of the State to the various districts in the ratio of the population of each district to the total population of the State.

It has ¹⁶held that the allocation of seats on district-wise basis is *ultra vires* of Article 14 of the Constitution of India and has accordingly struck down the policy of the Madras Government. The principle enunciated by the Supreme Court in that case will, in our opinion, hold good in the case of recruitment to Government services and posts as well and any recommendation for fixing quotas for recruitment on a purely regional basis will be *ultra vires* of Article 16 of the Constitution of India as made applicable to the Jammu and Kashmir State.

5.30. The Muslims of the entire State together with the Hindus of Jammu province form 94.2 per cent of the total population of the State. When practically the entire population is treated as backward, there is bound to be considerable difference in the degree of backwardness between one class and another included in that population. The really backward classes which need protection have, therefore, to compete with those which are more advanced. This is bound to shut out the classes which are really backward from the services and we believe that this is what has happened in the State.

5.31. While passing orders striking down the promotions of teachers in the Education Department, referred to in paragraphs 5.27 and 5.28, the Supreme Court has observed that its orders would not prevent the State Government from devising a scheme, consistent with the Constitutional guarantees, for the reservation of appointments, posts or promotions in favour of any backward class of citizens which in the opinion of the State is not adequately represented in the services under the State. In our opinion, the immediate requirement is to draw up afresh the list of backward classes in the State. The adoption of a single criterion or test of community, caste or region to which the persons concerned belong will be *ultra vires* of the Constitution. For identifying the backward classes in the State, therefore, a multiple test will have to be adopted : in other words, several criteria relating to economic, educational and social backwardness will have to be applied for determining which classes are really backward. Several witnesses who gave evidence before us were also of the same view.

5.32. Here, we should like to draw attention to the fact that clause (4) of Article 16 is in the nature of an exception, made in favour of the backward classes, to the basic principle enunciated in Article 14 and clauses (1) and (2) of Article 16, guaranteeing equality of opportunity to all citizens in matters relating to employment or appointment to any office under the State. In giving effect to the provisions of this clause,

16. Judgement of the Supreme Court in Writ Petitions 194 of 1967 etc. and Civil Appeal No. 1456 of 1965—Minor P. Rajendran Vs. the State of Madras & others etc.—delivered on 17 January 1968.

therefore, it is necessary to determine, for every State, which are the socially and educationally backward classes within its boundaries that deserve the protection of that clause. In India, some States are relatively advanced, socially and educationally, while certain others are comparatively backward. Even for a State that is relatively backward, socially and educationally, it is not permissible, in terms of Article 16(4), to treat the whole of the State as "backward" or a whole community as a community as "backward", without the application of the multiple test referred to in the previous paragraph. The attempt to identify the socially and educationally backward sections which deserve the protection of clause (4) of Article 16, involves making a comparison between different classes of citizens. Only such classes of citizens in the State can justifiably claim the protection of that clause as constitute socially and educationally the weakest section of the community. What we have stated here in relation to public employment applies equally to clause (4) of Article 15, which was introduced by way of a constitutional amendment in 1951; it provides for an exception to the basic principle contained in Article 14 and clauses (1) and (2) of Article 15, prohibiting discrimination on grounds of religion, race, caste, sex or place of birth. This exception has been made as a measure of protection to the backward classes and the Scheduled Castes and the Scheduled Tribes.

5.33. Multiple criteria for determining backwardness.—The problem of determining which are the backward classes is not simple. In its Report submitted to the Union Government in March 1955, the Backward Classes Commission has attempted to lay down certain criteria for general guidance in the matter. The tests recommended by the Commission, however, appeared to the Government to be too vague and wide to be of much practical value. It has been held by the Supreme Court in *Balaji Vs. State of Mysore* (A.1963 S.C. 649) that the appointment or recommendation of the Backward Classes Commission under Article 340 is not a condition precedent for the State to make special provisions for the backward classes under Article 15(4). In other words, the State is competent to classify classes of persons as "backward" by executive or legislative action so long as this has not already been determined after investigation by the Commission. This judgement of the Supreme Court indicates broadly the factors that may be taken into account or the tests that may be applied in determining the social and educational backwardness of groups or classes of citizens. In considering social and educational backwardness, there is no escape from considering economic backwardness also. As the Backward Classes Commission has stated, "the economic backwardness had also to be kept in view in order to find out the ability of a community to take advantage of the available opportunities as also the recent trends in its advancement as a result of various measures initiated by State Governments during the last one or two decades." The Supreme Court has also, in the judgement referred to above, stated that

"social backwardness is in the ultimate analysis the result of poverty to a very large extent. The classes of citizens who are deplorably poor automatically become socially backward." It follows, therefore, that the "means test" is one of the important tests for determining backwardness. The occupations of citizens may also contribute to make classes of citizens socially backward. To quote again from the Supreme Court judgement: "There are some occupations which are treated as inferior according to conventional beliefs and classes of citizens who follow these occupations are apt to become socially backward. The place of habitation also plays not a minor part in determining the backwardness of a community of persons". Thus, the occupation of citizens and the place of their habitation are two other criteria for determining backwardness. As regards educational backwardness, a suitable criterion for determining it would be to consider the average of student population per thousand in a particular class of citizens and to consider the class "backward" if this average is substantially below the State average. Moreover, in the case of certain classes, caste may also become a relevant factor in considering their backwardness although this cannot be made the sole or dominant test for the purpose.

5.34. To sum up, therefore, the following criteria should, in our opinion, be suitable for determining whether a certain class of citizens is socially and educationally backward :—

- (1) The economic backwardness of the class. [For this purpose, a suitable *ad hoc* figure of annual income may be adopted.]
- (2) The occupation or occupations pursued by that class of citizens.
- (3) Their place of habitation.
- (4) The average of student population per thousand in that class. [This should be substantially below the State average.]
- (5) Caste, in relation to Hindus.

5.35. *Revision of the list of backward classes.*—We recommended that the determination of classes which are backward on the basis of multiple criteria of the kind suggested in the previous paragraph be entrusted to high-powered Committee that would command general respect. On a Committee of this calibre there should at least be one or two persons who have expert knowledge and past experience of the subject. The reservation of posts and appointments in the services of the State Government should be made available only to those classes that are included in the fresh list of backward classes drawn up on the basis of the

Committee's recommendations. The percentage of posts and appointments so reserved should not exceed the proportion that the total population of the backward classes so listed form of the total population of the State, subject, however, to the condition that the total number of vacancies reserved for all classes of persons should not ordinarily exceed fifty per cent. All direct recruitment to reserved vacancies as well as to the general vacancies should be made strictly on the basis of merit from amongst the persons eligible for recruitment to the respective categories of vacancies.

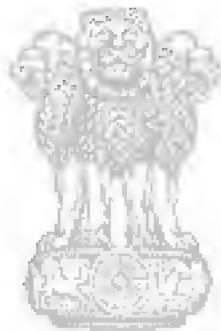
5.36. Reservation for Scheduled Castes.—Representatives belonging to the Scheduled Castes have suggested to us that no vacancies in Government service are separately reserved for them and hence their representation in Government service is very low. As mentioned in paragraph 5.26, the provisions of Article 335 of the Constitution of India are not applicable to the Jammu and Kashmir State. Until recently no posts or vacancies in Government service seem to have been reserved for the Scheduled Castes as such. In July 1966, the State Government ordered that "all appointing authorities should know the district-wise population of Harijans in the State and while making appointments keep this in mind. If the post relates to a district or region the percentage of population in the district or region may be considered for fixing number of appointments to be reserved for Harijans. If it relates to the State as a whole, the percentage of population in the whole State may be considered." For admissions to technical and other institutions, the heads of the institutions and the selecting authorities have been similarly ordered to keep this ratio in view. A copy of the State Government's orders is at Appendix 11.

5.37. The above mentioned orders are not precise and they do not contain a clear directive. The position has, however, since been rectified to some extent by the issue of a notification by the State Government specifically providing for reservation for the Scheduled Castes in the services and posts in the State which shall, "as nearly as may be", be 5 per cent of the available vacancies, and for regulation of appointments to such services and posts accordingly. A copy of the notification is at Appendix 12.

5.38. We note that in order to provide for the reservation in services and posts for the Scheduled Castes, the State Government have had to include such Castes among the "backward classes of citizens of the State". Apparently, this was found necessary because the provisions of Article 335 of the Constitution of India relating to the claims of the Scheduled Castes to services and posts are not applicable to the Jammu and Kashmir State. We do not think that the conditions of the Scheduled Castes in the Jammu and Kashmir State are different from those of the

Scheduled Castes in the other parts of the country. We, therefore, recommend that the provisions of Article 335 of the Constitution of India be made applicable to the Jammu and Kashmir State as well.

5.39. According to the 1961 census, the Scheduled Castes of the Jammu and Kashmir State formed 7.98 per cent of the total population of the State. Their share in the services of the Government is very much lower than is justified on the basis of their population. We consider that the reservation for the permanent resident Scheduled Castes in the services and posts under the State Government should be made in proportion to their population.



CHAPTER VI

EDUCATIONAL POLICIES

6.01. Introduction.--In this Chapter we propose to deal with the policies of the State Government regarding admissions to institutions of higher education and their schemes of assistance by way of scholarships and loans. The third of our terms of reference requires us to examine these policies "with a view to ensuring an equitable distribution of the available facilities to the various regions and communities, having special regard to the claims of the Scheduled Castes and other economically, educationally and socially backward communities, classes and groups among the citizens of the State."

Like the recruitment policies of the State Government discussed in the previous Chapter, these policies have also been the subject of much criticism. Complaints have been made to us of discrimination being exercised on the basis of regional and religious considerations in regard to admissions to higher educational and professional institutions and the grant of scholarships and selection for training abroad. There have also been complaints that no professional colleges are located in the Jammu region and that the backward classes are not given any encouragement or facilities to pursue higher studies or receive professional training.

6.02. Complaints against the educational policies of the State are again not of recent origin. Of all the complaints made to the Glancy Commission (appointed in November 1931), one of the most widespread and insistent, according to it, was to the effect that certain communities, specially the Muslim community, had not been given a fair chance in the matter of education. Some sixteen years prior to the appointment of the Glancy Commission, Mr. Sharp, Educational Commissioner with the Government of India, had visited Jammu and Kashmir on the invitation of the State authorities and had advised them on the improvements required to be made in the Education Department of the State. While drawing attention to the suggestions of Mr. Sharp, the Glancy Commission recommended, *inter alia*, that care should be taken to see that the Muslims received all practicable encouragement in the matter of education; that the Principal of Shri Pratap Singh College, Srinagar, should be careful to see that Muslims were given a fair chance of admission to the science classes; that the special Mohammadan scholarships should be equated in value with merit scholarships; that in the matter of free studentships a due proportion should be allotted to all communities, care being taken to see that the rules prescribed were fairly carried out in

practice; that the number of Muslim teachers and professors in High Schools and Colleges should be increased; that the post of Inspector for Mohammadan Education which had remained vacant should be revived and that the propagation of education among the depressed classes should receive due ¹attention.

6.03. In regard to Kashmiri Pandits, the Glancy Commission made the following observations ;—

"It has been represented by the Kashmiri Pandits that special treatment should be afforded to them in the matter of technical training on the ground that as the proportion of clerical appointments falling to their community decreases they must have recourse to other outlets for employment. The Pandits like all other communities, should be given a fair chance in this matter and might receive special encouragement if they manifest an increased tendency to take advantage of technical education : but there seems no reason to suppose that they will not be in a position to compete successfully with other ²students."

6.04. Progress of education.—The State of Jammu and Kashmir has been very backward in literacy and education. As late as 1941 the literacy percentage of the State was 6.9 only and the total number of women literates was less than 36,000. Since Independence and with the implementation of the Five Year Plans there has been great improvement. Education is now free throughout the State from the kindergarten to the university standard. The number of educational institutions and enrolment therein have registered marked progress, as the following table will ³show :—

S N o	Heading	Position	
		in 1950-51	in 1965-66
1	Number of Primary Schools	1,182	4,504
2	Number of Middle Schools	149	1,131
3	Number of High and Higher Secondary Schools	44	422
4	Enrolment :		
(a)	6-11 years of age	56,000	2,91,000
(b)	11-14 years of age	21,100	87,000
(c)	14-17 years of age	4,020	41,300

1. Chapter III of the Report of the Glancy Commission.
2. Page 14 of the Report of the Glancy Commission.
3. Paragraph 4.19.

6.05. Before Independence there were only 3 colleges in the State. The number of colleges has now risen to 17. The University of Jammu and Kashmir, which was established in 1948, started as a mere examining body. Now it is a full-fledged teaching University with several departments. It has two divisions, one at Jammu and the other at Srinagar. Both divisions provide for post-graduate studies in several subjects.

6.06. The percentage of literacy in the State rose to 41.3 (19.8 for males and 5.1 for females) by 1961. Even so, the percentage of literacy in Jammu and Kashmir is the lowest in the country.

6.07. Scholarships and Study Loans.—Besides making education free from the kindergarten to the university stage, the State Government have also been granting scholarships and study loans on a liberal scale. The scholarships are available to members of the Scheduled Castes and backward classes and to those of the remaining students who belong to the "lower income group" as defined by the Government of India. Educational loans are granted to students who are selected or nominated for various training and technical courses in and outside the State in terms of the Educational Loans Rules promulgated by the State Government in 1964. These loans are granted to hereditary State subjects "for courses of study, education or any other training approved by them". They carry no interest. The rate of loan admissible is normally Rs. 1,500 per annum for diploma courses, Rs. 2,500 per annum for technical/professional degree or post-graduate courses and Rs. 1,500 per annum for other courses. The initial grant of loan is also dependent upon the income of the parents or guardians of the students and the number of children dependent on them. Students whose parents or guardians have a monthly income exceeding Rs. 1,000 are not generally eligible for study loans. Loans are also granted to students who secure admissions privately in various courses of studies such as medicine, engineering and post-graduate courses in science subjects. The payment to the loanees is generally made for a period between 2 and 5 years, while the period for recovery of the loans extends up to 12 years. The following table shows the expenditure incurred by the State Government on this scheme during the last three years for which figures are available :—

Year	Amount
1964-65	Rs. 29,95,536.10
1965-66	Rs. 34,74,790.32
1966-67	Rs. 38,02,363.80

6.08. So far as education at the school level or in the arts faculties at the university level is concerned, there is hardly any problem of finding places for intending scholars. Almost everyone who wants to join these courses is admitted. The position in professional and technical institutions is, however, different. The number of students seeking admission to such institutions is in excess of the number of places available in them and it has become necessary for the State to adopt a system of selection from among the eligible candidates.

6.09. *System of selection for admission.*—In 1963 and subsequent years, the practice followed by the State Government in respect of admissions/nominations to institutions for higher learning in and outside the State was as follows :—

- (i) For places reserved in institutions outside the State for degree and post-graduate degree courses in engineering, the Public Service Commission invited applications and submitted a merit list for final selection by the Chief Minister.
- (ii) For places available for engineering courses in the Regional Engineering College, Srinagar, the Principal of the College invited applications and submitted a merit list for final selection by the Chief Minister.
- (iii) For places available in the M. B. B. S., B. D. S., B. V. Sc., Ayurvedic and Unani courses and in the Polytechnics, whether within the State or outside, applications were invited by the Principals concerned and a Selection Committee selected the candidates. The list of candidates so selected was submitted to the Chief Minister for final approval.
- (iv) For B. Sc. (Agri), the concerned Principals invited applications and submitted a merit list to the Agriculture Department for approval.

6.10. The procedure was modified in June 1966 and a Committee of two members was constituted for the selection of candidates for all the courses of training within and outside the State. It was open to the Committee to co-opt as adviser(s) any or all of the following :—

- (i) the Principal of the concerned institution ;
- (ii) the Secretary of the concerned Department of Government ;
and
- (iii) any person who might be considered suitable to act as an Adviser for the particular course of instruction.

The Committee scrutinised the applications of the candidates for each particular training course in accordance with the conditions governing admissions to the particular institution and thereafter interviewed the candidates to judge their physical fitness, personality, general knowledge and aptitude for the particular profession or it held a written test on general subjects "prescribed by a notification by the Committee." It was open to the Committee to hold the interview as well as the written test if it so desired. It then drew up the final list of the candidates to be selected for each course in order of merit of the candidates for each of the two regions, namely Jammu and Kashmir, having regard to the results of the interview and/or the written test and submitted the list to the Chief Minister for issuing orders in accordance with its recommendations. One hundred marks were assigned for the interview and the same number of marks for the written test.

6.11. The matter was reviewed again in July 1967 and instead of one Selection Committee for all the courses a separate Selection Committee was appointed for each of the technical courses such as Medicine, Ayurveda, Agriculture, Veterinary Science, Engineering, Polytechnic, Post-graduate education etc. These Committees scrutinize the applications of the candidates in accordance with the conditions governing admissions to the particular institution and interview the candidates for judging their physical fitness, personality, general knowledge and aptitude for a particular profession. The Committees then draw up the final list of candidates to be selected for each of the two regions, namely Jammu and Kashmir, in order of merit, having regard to the results of the interview and their academic merit as revealed by their performance in the basic qualifying examination, and submit the list to the Chief Minister for issuing orders in accordance with their recommendations. The interview carries 50 marks, allotted equally for physical fitness, personality, general knowledge and aptitude. One hundred marks are allotted for academic merit. The Regional Engineering College, Srinagar, being an autonomous body, was kept out of the purview of this procedure. Selection for admission to this institution is being made by an Admission Board set up for the purpose by the Governing Body of the Regional Engineering College.

6.12. The revised procedure introduced in July 1967 for selection of candidates appears to us unexceptionable if the interview is conducted in a fair and objective manner. The selection of candidates on a regional basis, however, will offend the provisions of Article 14 of the Constitution of India, as indicated in paragraph 5.29. We shall have occasion to refer to this subject again later in this Chapter. If the procedure is correctly followed and the selection of candidates made strictly on merit, there is no justification for submitting such lists to the Chief Minister for approval.

6.13. *Reservation for backward classes and Scheduled Castes.*—We note that the State Government have made no formal provision for

the reservation of places in educational and professional institutions either for backward classes or for the Scheduled Castes. This has also been pointed out by the High Court of Jammu and Kashmir State while delivering judgement in the case of *Lalita Shuri Tikku Vs. State of Jammu and Kashmir* and others (Writ Petition No. 66 of 1965 and allied Writ Petitions) relating to admissions to the Srinagar Medical College. The relevant extract from the judgement is reproduced below :—

“On the other hand, the Advocate General submitted that in the instant case, the selection was made on the basis of classification contemplated by Article 15(4) of the Constitution of India. He drew our attention to the affidavits of the Chief Secretary in various petitions which show that the selection was made, firstly on the basis of candidates who were drawn from socially and educationally backward classes, secondly of candidates who were residents of Jammu and thirdly, of candidates who were drawn from scheduled castes. It was, therefore, contended by the Advocate General that the affidavits of the Chief Secretary should be construed as a special provision falling within the permissible limits of Article 15 sub-clause 4 of the Constitution of India. We are, however, unable to agree with this argument.

“Article 15(4) as already indicated, clearly contemplates that there must be a special provision for the classes mentioned in that Article, such a provision need not be made by a Legislative enactment and it can be made also by an executive order, but there must be some order or notification to show that the State having applied its mind to the various factors and the statistics of a particular class of citizens considers it to be a socially and educationally backward class for whose benefit provision has to be made. In the instant case, no such provision at all appears to have been made by the State. For the first time, in answer to the petitions, the stand taken by the Chief Secretary is that the selection has been made after taking into consideration the nature of the socially and educationally backward classes of citizens and of Scheduled Castes. Even in the affidavits, the Chief Secretary has not disclosed the data, statistics or the factors which go to make a particular class as a socially and educationally backward one. It has not even been indicated as to which is the class of citizens which has been declared to be socially and educationally backward. In these circumstances, therefore, we are constrained to hold that since no provision under Article 15(4) has been made, the selection has been made on a purely discriminatory basis.”

6.14. In the course of our inquiry we came across instances where the selection of students for the technical and professional courses had been made in an arbitrary or discriminatory manner. There have been critical comments on such selections by the High Court of Jammu and Kashmir. In the case of *Lalita Shuri Tikku Vs. State of Jammu and Kashmir* and others, referred to in paragraph 6.13, the High Court made the following observations :—

“It is, therefore, manifest that a discrimination between members of the Scheduled Castes has also been made by the State and Kumari Bilori to have been subjected to hostile discrimination instead of her being considered on merits.”

In another writ petition concerning admission to the Srinagar Medical College, filed before them in 1968 by Subash Mohan Jalali and others, the Court has observed as follows :—

“There appears to be discrimination in selecting the candidates even with respect to petitioner's belonging to same class namely residents of Jammu and those of Kashmir Province Thus it would appear that the selection has been made by the Committee either consciously or unconsciously in such a way as to discriminate (between) candidates even belonging to the same class of citizens.”

6.15. We have scrutinized the statistical data pertaining to admissions of students to institutions of higher education furnished by the State Government. An abstract of these data is given in Appendix 13. We note that as between the Jammu region and the Kashmir region, the number of students belonging to Jammu selected for study in higher institutions was much smaller than the number of those belonging to Kashmir, but the share of Hindus has been much larger than that of Muslims in all the important courses of study.

6.16. It is unfortunate that the State Government do not maintain a separate record of admissions of students belonging to the backward classes. We are, therefore, unable to make any observation as to the extent to which the Directive Principles of State Policy laid down in Section 23 of the Constitution of Jammu and Kashmir have been followed by the State Government.

6.17. Regional communal allocation of seats.—The question whether any special provisions can be made in the matter of educational facilities on the basis of religion or region to which the persons concerned belong, has come up before the High Courts and the Supreme Court on a number of occasions and the Courts have

given authoritative rulings. We should like to invite attention to the judgements in the following cases :—

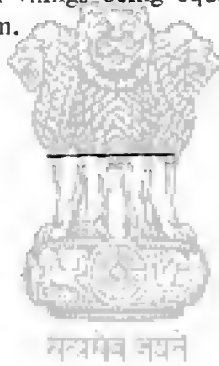
- (i) M. R. Balaji *Vs.* State of Mysore in the Supreme Court ;
- (ii) R. Chitralekha *Vs.* State of Mysore in the Supreme Court ;
- (iii) Minor P. Rajendran *Vs.* State of Madras and other similar writ petitions in the Supreme Court ; and
- (iv) Lalita Shuri Tikku *Vs.* State of Jammu and Kashmir and other connected writ petitions in the High Court of Jammu and Kashmir.

6.18. It seems that special concessions, quotas or reservations for admission to educational and professional institutions can be made available only to the socially and educationally backward classes of citizens or to the Scheduled Castes and Scheduled Tribes. It is also clear that the classification of people as backward on the basis of their religion or region alone is repugnant to the provisions relating to fundamental rights in the Constitution of India as made applicable to Jammu and Kashmir. The remedy, therefore, is to draw up a list of backward classes on the basis of a multiple test as suggested by us in paragraphs 5.31 to 5.34, and provide for admission quotas or reservations for them in institutions of higher learning, which should not exceed the proportion that the population of the backward classes as a whole bears to the total population of the State. Similarly, reservations should also be made for the Scheduled Castes in proportion to their population. The total percentage of reservation for the backward classes and the Scheduled Castes should not, however, ordinarily exceed fifty. Subject to the reservation for the backward classes and the Scheduled Castes, the selection for admissions to educational institutions should be made strictly and solely on merit. Merit should also be the sole criterion for filling the seats reserved for the backward classes and the Scheduled Castes.

6.19. Scholarships and study loans.—We have not heard any serious complaints about the inadequacy of the scholarships or study loans granted by the State Government. On the other hand, complaints have been voiced by several parties that in the matter of distribution of the scholarships and study loans considerable discrimination is practised between the Jammu region and the Kashmir region and between one community and another. We have examined the statistical data made available to us by the State Government pertaining to the study loans given to students for study in institutions of higher education during the three Five-Year Plan periods. An abstract of the data is given at Appendix 14. We note that region-wise, the students belonging to the Kashmir region

have received a much larger amount by way of study loans than the students belonging to the Jammu region. Community-wise, however, the Hindus have received a much larger share of study loans than the Muslims. The members of the Scheduled Castes have received no study loans whatsoever in the course of the entire period of the three Plans. Details of the study loans given to backward classes are not available as the figures for backward classes are included in those of their parent community.

6.20. As we have suggested for admissions, a certain proportion of the provision available for the grant of scholarships and study loans should be set apart for the backward classes and the Scheduled Castes. The provision should be separate for each of them and should not be less than the proportion that either of them bears to the total population of the State. The balance should be made available to the rest of the student population. In giving scholarships or loans, the means of the parent or guardian should be an important factor for determining the eligibility of the applicant and, other things being equal, merit should be the sole criterion for granting them.



CHAPTER VII

IRRITATIONS AND TENSIONS : REMEDIES

7.01. Introduction.—We now come to the fourth and last of our terms of reference. This requires us “to consider generally the causes that lead to irritations and tensions and to recommend remedial measures”. We shall begin by referring to certain recent facts of history which are responsible for some of the major irritations and tensions now existing among certain sections of the population.

7.02. We have mentioned in paragraphs 3.07 to 3.09 how Dogra rule came to be established in the Jammu and Kashmir State. Dogra rule was personal in character but several important developments in the State took place during this period. The Legislative Assembly, which was created in 1934, had thirty-five of its seventy-five members nominated by the Ruler and the electorate comprised only eight per cent of the population. In 1939, several constitutional reforms were carried out and the Constitution Act came into force. It was, however, specifically provided in the Constitution that “nothing contained in this or any other act shall affect or be deemed to have affected the right and prerogative of His Highness to make laws, and issue proclamations, orders, and ordinances by virtue of his inherent authority”. Besides, the legislature had no jurisdiction over a number of important matters which were included in the list of the Maharaja’s reserved powers. In spite of the authoritarian nature of Dogra rule, certain sections of the population flourished and prospered during this period. The State Army was composed almost entirely of Dogra Rajputs for whom it provided the main source of employment. The educated and advanced Kashmiri Pandit community came gradually to monopolize the ministerial posts in the Government and occupy positions of influence in the civil administration after the State Government had yielded in 1925 to the pressure from the inhabitants of the State and accepted the principle of recruiting only State subjects to Government posts. These two communities were the main beneficiaries of Dogra rule along with a large number of Jagirdars, Chakdars and Shahukars (moneylenders).

7.03. With the introduction of democracy and popular rule in the State a complete break with the autocratic rule of the previous regime was inevitable. One of the first acts of the popular Government under Sheikh Mohammed Abdullah and one of its greatest achievements from the viewpoint of the peasants and the landless, who formed the overwhelming majority of the population, was to implement the programme of social and agrarian reforms as envisaged in the “New Kashmir” Plan. The

new land reform laws which were introduced in the State meant not only the abolition of intermediary rights but also the redistribution of land and protection of the tenants. These land reforms dealt a heavy blow to the important and prosperous class of landholders, many of whom have not been able to reconcile themselves to this day to the altered situation. The expropriation of their land in excess of 182 *kanals* without payment of compensation was understandably a source of great distress and dissatisfaction to this class. Besides, in the haste with which the new land laws were enacted a number of serious anomalies crept into them and these have acted as additional irritants.

7.04. As we have already mentioned in paragraph 5.10, there was a large expansion of the services after the introduction of popular rule in the State in 1947. There were instances, as a result, where recruitment was made without observing the usual formalities; besides, some appointments in the higher ranks were also made from political cadres. We were told that the non-observance of the recruitment rules which started immediately after the introduction of popular rule adversely affected the people of the Jammu region in particular and was a source of irritation to that region. In evidence before us Bakshi Ghulam Mohammed unequivocally stated that merit could not be the only criterion in these matters, for if merit were made the sole criterion there would be no place for Muslims, Jammu Dogras and other backward people in the State. He, therefore, introduced communal and regional representation for filling Government posts and making admissions to educational institutions. When the Public Service Commission was established in 1957, it was also advised to keep these considerations in view and to suggest an equal number of candidates from the Jammu and Kashmir regions and also an equal number of candidates belonging to the Muslim and non-Muslim communities for filling vacancies in Government service. As a result of these new policies, the Kashmiri Pandit community lost its pre-eminent position in Government services. Since their main occupation was Government service, they could not easily adjust themselves to the changed situation and qualify themselves for the pursuit of other occupations for a living. Similarly, the Jammu Dogras who had traditionally sought their career in the armed forces of the State lost this source of employment after Independence when the State Army ceased to exist as a separate entity. They seem to have been caught unprepared by the change and did not equip themselves for other forms of employment.

7.05. The foregoing analysis shows how irritations and tensions have grown in certain communities and classes of the population because of their background and historical reasons. The Kashmiri Pandits seem to look back when they had almost a monopoly of the State services. Similarly, the Dogras of Jammu hark back to the days when the ruler of the State belonged to their clan and they had a virtual monopoly in the

armed forces of the State. Neither of these communities finds it easy to appreciate that with the establishment of democratic rule in the State the employment pattern in the public services was bound to change and that it was necessary to prepare oneself for other occupation. In Chapters V and VI, we have recommended reservation of posts in the services and admissions to institutions of higher education for the genuinely backward classes only, classified on the basis of certain multiple criteria. We venture to hope that when this is done and the rest of the employment and educational opportunities are made available on the basis of merit alone, such grievances as these communities now have, will be largely removed.

7.06. We now proceed to deal with the causes of irritations and tensions which have been represented before us in the written memoranda and oral evidence. The alleged imbalance in development programmes and the policies pursued by the State Government in the matter of recruitment to services and the provision of educational facilities are themselves some of the principal causes of irritation and tension. We have examined them in the three preceding chapters. In this Chapter we shall confine ourselves to the other matters. They are of varying degrees of importance. They range from such matters as the doubt and uncertainty which disturbs the minds of some people about the political future of their State or the bitterness which is engendered by real or imagined grievances of regional discrimination or the inequitable aspects of the land laws to the persistent complaints of general administrative inefficiency and corruption or such petty demands as the upgrading of a naib-tehsil to a tehsil or the opening of a school here or a dispensary there. Some persons have also tried to ventilate their individual grievances in the garb of general complaints of irritation and tension. We propose to ignore petty and individual grievances and to deal in the paragraphs which follow only with those causes of irritation and tension which appear to us to be of consequence.

POLITICAL :

7.07. *Ambivalence in regard to political policy.*—The people of the State, particularly those living in the Valley, feel that there is a certain degree of ambivalence about the political policy of the Union Government towards the State. Constant hostile propaganda from the other side of the sub-continent, the secessionist doctrines propagated by certain political leaders and parties of the State and the attempts of some political leaders of India to mediate in Jammu and Kashmir affairs, have created doubts in the mind of the people of the State about their political future. All the parties which appeared before us were, however, unequivocal in their stand that the accession of the State to the Indian Union was final and irrevocable. Nevertheless, the effect of the propaganda carried on in the State by some elements which have not adjusted themselves to the realities of the situation

cannot be ignored. Such propaganda is likely to create in the mind of the people in the Valley a general feeling of political uncertainty which is clearly a cause for creating tensions and irritations. The common man in the Valley as well as in Jammu and Ladakh is naturally vitally interested in his own betterment and in reaching a stage of economic development in which he would be able to enjoy life, liberty and the pursuit of happiness more fully. This aim is undoubtedly hindered by the sense of uncertainty created by anti-Indian propaganda in the State. In judging the effect of this hostile propaganda in Jammu and Kashmir one has to bear in mind that Pakistan has been ceaselessly challenging the validity of the State's accession to the Indian Union.

7.08. We noted with satisfaction that notwithstanding the delicate nature of the subject, the present State Government have allowed ample scope to freedom of expression to the citizens and have deliberately decided to deal with the challenge posed by these subversive trends in the State on a political plane. Our hope is that the public at large will extend their moral help to the State Government through the creation of sound public opinion to meet this challenge.

7.09. It would not be inappropriate to add here that the teachers in the University and the schools of Jammu and Kashmir, who form a cosmopolitan and progressive group and believe in the sense of values on which Indian democracy is founded and which form the basis also of the Constitution of Jammu and Kashmir, should play their legitimate role in guiding the impressionable minds of the younger generation in the State. If the intellectuals and educationists help the democratic forces in the State to tackle the situation created by subversive propaganda, the liberal policy adopted by the State Government is bound to be successful.

7.10. We gathered the impression that the University students in the Jammu and Kashmir State as in the rest of India and, indeed, in many parts of the world today, are unhappy and restive. Elements hostile to Indian democracy may well be tempted to exploit this frustration and restiveness. It should, we think, be possible for the teachers in the universities by means of close contact, and for the intellectuals in and outside the State through fruitful discussions, to assist in the process of inculcating in the minds of the students in Jammu and Kashmir an abiding faith in the basic values of life for which our Constitution stands, namely, justice—political, social and economic—secularism and the rule of law.

7.11. *Article 370 of the Constitution of India.*—Some parties feel that the special status conferred on the Jammu and Kashmir State by Article 370 of the Constitution of India is a major cause of irritation and tension. They desire that the provisions of that Article should be abrogated. They consider that this Article is being used to legalize unconstitutional

acts by the State Government and that it encourages arbitrariness on their part. The validation of some of the State statutes, such as the Big Landed Estates Abolition Act, 1950, which provides for the expropriation of land without compensation, by the issue of a Presidential order under this Article of the Constitution is cited as an example. They also point out that its provisions are meant to be temporary and the Article is not meant to be a permanent feature of our Constitution.

On the other hand, another section considers that it is what it alleges to be the systematic erosion of the autonomy of the State guaranteed by this Article, that causes irritation and tension. It desires that the provisions of this Article should be strictly observed and that the Union Government should guarantee that, irrespective of which party is in power at the Centre, the special status conferred on the State by this Article should not be tampered with. The irredentism, chauvinism and revivalism preached by certain political and religious parties in other parts of the country have caused a genuine fear in the mind of this section about this.

7.12. Article 370, as its title itself indicates, is a temporary provision with respect to the State of Jammu and Kashmir. By means of this Article, the provisions in the Constitution of India relating to the Government of the States have been made inapplicable to the State of Jammu and Kashmir and a separate Constitution framed by the Constituent Assembly of the State has been enforced. The power of Parliament to make laws for the State of Jammu and Kashmir is limited to —

- “(i) those matters in the Union List and in the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature might make laws for that State ; and
- (ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.”

It also provides for the application of such other provisions of the Constitution of India to the State of Jammu and Kashmir as the President may by order specify. The order may indicate the exceptions or modifications subject to which these provisions should be made applicable. Before issuing any such order, however, the President is required to consult the State Government in certain cases and obtain their concurrence in the other cases. For easy reference the full text of this Article is reproduced in Appendix 15.

7.13. It would be observed that the Jammu and Kashmir State has been granted by the Constitution of India a much larger measure of autonomy within the Indian Union than the other States. There were reasons for according such special treatment. According to the late N. Gopalaswami Ayyanger, who piloted the Article in the Constituent Assembly in 1949, "that particular State is not yet ripe for this kind of integration. It is the hope of everybody here that in due course even Jammu and Kashmir will become ripe for the same sort of integration as has taken place in the case of other states". It was, however, inevitable that in course of time Article 370 should have been used to bring about uniformity of the State of Jammu and Kashmir with the rest of the country in matters of vital importance to the rights of individual citizens and the enforcement of the rule of law. But this has always been done in strict compliance with the letter and spirit of that Article.

7.14. Federal Financial Integration which had taken place in 1950 in the case of other Part B States was practically fully achieved in the Jammu and Kashmir State in 1954 as a result of the State Government agreeing to the application of a large number of items of the Constitution to that State. Consequently, Union Departments, like Customs, Central Excise, Posts and Telegraphs, Civil Aviation, All India Radio, etc. had their operation extended to the State just as to other States. The functions of the Comptroller and Auditor-General of India were extended to the State in 1958. In matters involving the interpretation of the Constitution, the Supreme Court has the same jurisdiction in respect of Jammu and Kashmir as in respect of the other States. The functions of the Election Commission of India now extend to Jammu and Kashmir not only for elections to Parliament and to the office of the President and of the Vice-President, but also for elections to the State Legislature. In December 1964, Articles 356 and 357 of the Constitution of India, containing provisions relating to the failure of the constitutional machinery in the States, were applied to Jammu and Kashmir. This brief and illustrative narration of the operation of Article 370 would show that the process adopted so far is consistent with the declared objectives of the Constitution of India and the Constitution of Jammu and Kashmir.

7.15. Article 370 has been introduced in the Constitution of India on account of the historical facts which led to the accession of the Jammu and Kashmir State to India. As we have already indicated, this Article guarantees to Jammu and Kashmir a very much larger measure of autonomy than is enjoyed by any other State. Arguments are often heard in India, and were repeated before us, both for repealing this Article and for retaining it. If the Article is repealed, it may raise nice questions of constitutional law as to the effect of such a step on the Constitution of Jammu and Kashmir. This may itself create, in the present circumstances, additional tensions in the mind of the majority community in the Valley.

This is a consideration that has been emphasized before us by parties which want Article 370 to continue. On the other hand, those that want the Article to be removed from the Constitution have urged that it indirectly retards the process of the complete integration of the State of Jammu and Kashmir in the Indian Union which must be the ultimate objective. They stated that the time had come for abrogating this Article and placing the State of Jammu and Kashmir on the same footing as the other States in the Union. Those who advocated this view expressed their disapproval of the fact that citizens in India were not able to acquire property in Jammu and Kashmir unless they were "permanent residents" of the State as defined in Part III of the Constitution of Jammu and Kashmir while the persons belonging to the State were entitled to acquire property anywhere in the rest of India. It was also urged that no other State had an independent Constitution of its own and the existence of an independent Constitution for Jammu and Kashmir had an adverse, if indirect, effect upon the process of complete integration of the State in the Indian Union.

7.16. We have given anxious consideration to this problem. We think that at present it would be inadvisable to recommend that Article 370 be abrogated. Keeping in view the progress which has already been made over the years in the integration of Jammu and Kashmir with the rest of India, we feel that it would be prudent to leave it to the Government and the people of the State of Jammu and Kashmir themselves to decide when this Article should be abrogated.

7.17. *Elections.*—Some representatives who appeared before us have cast doubts on the manner in which the elections have been conducted in the State in the past, particularly about the fairness of the last General Election. They have pointed out that at the last General Election, 141 nomination papers were rejected and 26 members were returned unopposed to the State Legislative Assembly and that the whole of Anantnag District failed to get an opportunity to go to the polls for electing its representatives to Parliament or to the State Legislature. These persons feel that all the elections held so far were systematically interfered with by the State authorities and that this has undermined the faith of the common man in democracy. The conduct of the elections, however, is now a matter which concerns the Election Commission and it is not for us to go into the question whether the last General Election was in fact interfered with. The proper forum to deal with it are the Election Tribunals and the Supreme Court. We were informed that a number of election petitions had been filed before the Election Tribunals in Jammu and Kashmir and some had already been disposed of. Some elections have been set aside by the Tribunals while certain others have been upheld by them. Though, as we have just observed, the forum to decide whether the elections were properly held or not is the Election

Tribunals, we have mentioned this matter to indicate that a feeling does exist in the minds of some citizens that the elections were not free and fair. We should like to add that we have had an opportunity to examine 29 judgements delivered by the High Court of Jammu and Kashmir in Election Petitions filed before it. Out of these 29 petitions, 6 have been allowed while the rest have failed. It seems to us significant that in 12 out of these 29 cases, the nomination papers of non-Congress candidates were rejected on the ground that the said candidates had not subscribed and made the oath as required by law. In one case (Election Petitions Nos. 1 and 10 of 1967 : Ghulam Qadir Mir *V.* Ghulam Moh'd Rajpuri and others and Moh'd Shafi Simnani *V.* Ghulam Moh'd Mir Rajpuri), Mr. Justice Anant Singh came to the conclusion that Mr. Kumar, the Returning Officer, and Mr. Safaya, the Assistant Returning Officer, appeared to have entered into a conspiracy to reject nomination papers of non-Congress candidates improperly, with a view to facilitating the uncontested return of Mr. Rajpuri, who was a Congress candidate. According to the Judge, these two officers did not stop short of fabricating and tampering with the evidence. The Judge also felt that there was reasonable ground to suspect that Mr. Rajpuri, who was once a sitting Minister of Tourism under whom Mr. Safaya was working at Srinagar, had influenced the said two officers in that behalf. As a consequence of this finding, the Judge has directed that proceedings should be taken against the two officers under section 476 of the Criminal Procedure Code. The decisions of the High Court to which we have just referred are, of course, subject to appeal to the Supreme Court.

This is a cause of irritation and tension and a note of this feeling has to be taken. We should, therefore, like to add that as the Jammu and Kashmir State occupies a strategic area, it is necessary to nurture the faith of the common man in democracy and democratic institutions in the State. We hope that the State Government will do all they can to build up and sustain that faith.

7.18. We were told that the elections to local bodies such as Panchayats, town area committees, notified area committees and municipalities, are long overdue and that these bodies are no longer representative in character. Some parties have alleged that besides depriving the public of their fundamental right of franchise, this has resulted in the Government managing to have their own candidates elected to the Legislative Council from the local bodies constituencies. We think that it is necessary that the State Government should immediately take all steps to arrange for the holding of the elections to the local bodies as early as possible. We should also like to add that these elections should be held regularly in future.

7.19. *Civil liberties.*—We have heard complaints of the suppression of civil liberties in the State. For instance, it is alleged that the provisions of Section 144 of the Criminal Procedure Code are in force throughout the State, that no public meeting can be held without prior permission of the Government authorities, and that the opposition Press has been muzzled. Discrimination is also alleged to be exercised in granting permission for holding public meetings. It is stated that while the ruling party gets the permission for the asking, the opposition parties find it difficult to secure it. We are not satisfied that these allegations are true. We have been informed that the allegation that the provisions of Section 144 of the Criminal Procedure Code are in force throughout the State, is wrong. It is well known that the leaders of opposition parties are addressing public meetings in various parts of the State and are making statements to the Press. Some of them are very critical of the Government and some even question the finality of accession of the State to the Indian Union.

7.20. It seems appropriate at this stage to make a passing reference to the Kashmir State People's Convention held at Srinagar in October last. At this Convention divergent opinions were freely and fully expressed. Some of the views which were ardently advocated appear to be plainly inconsistent with the correct constitutional position under the Constitution of India and the Constitution of Jammu and Kashmir. We feel that it is a tribute to the democratic way of life adopted by India, and by the State of Jammu and Kashmir as an integral part of the Union of India, that a Convention of this kind should have been called and such views openly, freely and fearlessly canvassed. We have already referred to the present State Government's decision—and we think the decision is correct and consistent with the democratic spirit of the Constitution—to allow full freedom of expression even to parties that do not see eye to eye with them or are opposed to their political ideology and commitments. Political trends, however, subversive they may appear to be, have necessarily to be countered on a political plane, and in a democratic country freedom of expression has to be granted to every citizen. This freedom does not mean the freedom to express views only in favour of the established order ; it also means the freedom to express dissent so long as it is within the limits prescribed by the Constitution and the relevant provisions of the law. The fact that freedom of expression has been allowed to be exercised uninterruptedly in such a sensitive area as Jammu and Kashmir speaks volumes for the spirit and strength of Indian democracy.

7.21. *Autonomy of the State within the Union.*—We would now like to deal with the demand for a larger measure of autonomy for the State of Jammu and Kashmir within the Indian Union as such a demand was made before us. In dealing with it, several considerations have to be taken into account. The first consideration is that the demand for a larger

measure of autonomy for the State of Jammu and Kashmir has not been made before us directly by any party from Jammu or Ladakh. Even amongst the parties belonging to the Valley that appeared before us only one or two raised the subject. We note, however, that some participants at the Convention, referred to in the preceding paragraph, made such a claim but it seems reasonable to conclude that the demand for a larger measure of autonomy for the State does not have the support of a substantial section of the population even of the Valley and has received little, if any, support from Jammu or Ladakh. While it may be conceded that this demand may give rise to certain tensions in the regions, it is one of those internal problems which arise between the Union Government and constituent States and in which no third party can have a *locus standi*. In fact, in any federal structure, stresses and strains often occur between the federal Government and the constituent units and they have to be tackled in a democratic way by the parties concerned by evolving proper and healthy federal conventions.

7.22. The second consideration which is relevant in this connection is that the State of Jammu and Kashmir enjoys, as we have pointed out already, a much larger measure of autonomy than the other States in the Union of India. We have also indicated that this autonomy flows from Article 370 of the Constitution of India and have expressed the view that it should be for the Government and the people of the Jammu and Kashmir State to decide when this Article should be abrogated. In view of this constitutional position, we do not see any justification for considering the demand for an even larger measure of autonomy for the State in isolation without reference to the other States. The Centre-State relations which have emerged as a result of the fourth General Election held in 1967 has posed the question whether the Constitution of India should be amended to confer larger authority on the constituent States. Some of the State Governments have been pleading for a re-examination of the relevant provisions of the Constitution with a view to conferring greater authority on the States. It seems to us that if the Union Government decide to consider this question in the context of the newly evolving pattern of political life in this country, the case of the Jammu and Kashmir State should receive due consideration along with that of the other constituent States. Even in that event, as we have just indicated, the best way of dealing with such a problem in a democracy is to evolve appropriate conventions and traditions.

7.23. *Representation in Cabinet/Legislature.*—Several communities have complained to us that they are not adequately represented in the State Cabinet or the State Legislature or have no representation in them at all. The first comment that we should like to make on this demand is that with the exception of the Scheduled Castes and, in respect of nomination to the Legislative Council, of the backward classes, the

suggestion that the communities as such are entitled to representation in the Cabinet or the Legislature is inconsistent with the provisions of the Constitution of India and the Constitution of Jammu and Kashmir. Besides, the number of communities in the State is large. Within the small size of the Cabinet or of the State Legislature it would be almost impossible to satisfy the demands of every community. It is for these communities to join the main stream of politics of the State and avail themselves of the political advantages that this may offer.

Regional aspirations :

7.24. In the preceding chapters and the earlier paragraphs of this Chapter, we have dealt with several matters that agitate the minds of the people of the State. Even if all the matters were equitably settled, we feel that there would still be a measure of discontent unless the political aspirations of the different regions of the State were satisfied. In fact, we consider that the main cause of irritation and tension is the feeling of political neglect and discrimination, real or imagined, from which certain regions of the State suffer.

7.25. Although the Jammu and Kashmir State has been a single political entity for over a hundred years, it cannot be denied that geographically, ethnically, culturally and historically, it is composed of three separate homogeneous regions, namely Jammu, Kashmir and Ladakh. In fact, the Pir Panjal range forms a natural dividing line between the Jammu and Kashmir regions.

7.26. *Regional autonomy.*—We are glad to note that notwithstanding these differences and the regional political aspirations, no party or individual who has submitted a memorandum to us or appeared before us in person, with the solitary exception of the Dogra Mandal, has suggested a division of the State or the creation of a sub-State within the State. Even the idea of autonomy for the regions of the State is unacceptable to most of them. The Jammu Autonomy Forum is the sole protagonist from the Jammu region of regional autonomy for Jammu, Kashmir and Ladakh. The two individuals from Kashmir who supported autonomy for the regions also pleaded strongly for a greater measure of autonomy for the State as a whole within the Indian Union. The Dogra Mandal suggested that the Jammu region be merged with Himachal Pradesh.

7.27. We have given consideration to the proposal which was elaborately and ably presented before us by the delegation of the Jammu Autonomy Forum. It may theoretically be conceded that if the proposal represents the aspirations of a large majority of the population of the Jammu region—and we do not think that it does—the satisfaction of their legitimate expectation in good time may lead to greater consolidation of the region with the rest of the State. On the other hand, it is quite likely that any recognition of the autonomy of a region of the State may whet

its appetite for greater autonomy and accentuate separatist tendencies which may ultimately lead to the disintegration of the State itself. Besides, in dealing with the question of autonomy for the Jammu region, as in considering the question of autonomy for the State as a whole within the Indian Union, we cannot treat as irrelevant the impact that such a step is likely to have on the other regions constituting the State. This point is relevant and valid as all the parties which appeared before us, with one solitary exception, were agreed that nothing should be done that would impair or injure the unity and integrity of the State. On the basis of the evidence tendered before us, we have no doubt that the acceptance of the demand for autonomy made by the Jammu Autonomy Forum would make an adverse impact on the minds of the residents of the Kashmir region. Although there was general agreement among the parties which appeared before us for the establishment of Regional Development Boards for developmental purposes, only two persons from the Kashmir region supported the demand for regional autonomy, and none from Ladakh supported it. As already stated, the Jammu Autonomy Forum was the only party from Jammu that advocated autonomy for the regions. After careful consideration of all the relevant factors, we have come to the conclusion that the demand made before us by the Jammu Autonomy Forum should not be accepted.

7.28. We have also given careful thought to the desirability of introducing a system of Regional Committees of the State Legislature of the type envisaged for certain States in Article 371 of the Constitution of India. Such Regional Committees existed for the Punjabi-speaking and the Hindi-speaking areas of the former Punjab State. The experiment did not work satisfactorily and the establishment of these Regional Committees did not prevent the eventual division of the former Punjab State into the new States of Punjab and Haryana. The reasons that we have already given for recommending the rejection of the demand made by the Jammu Autonomy Forum hold good also for rejecting the idea of introducing the system of Regional Committees of the State Legislature.

7.29. In paragraphs 4.25 to 4.29 we have suggested the establishment of a statutory State Development Board and statutory Regional Development Boards for the three regions - Jammu, Kashmir and Ladakh. This and certain other measures which we shall discuss in the subsequent paragraphs will, we hope, go a long way in satisfying the regional aspirations of the people of the State.

7.30. *Convention regarding composition of Cabinet.* - A convention should be established that if the Chief Minister belongs to one region, there should be a Deputy Chief Minister belonging to the other region. By another convention, the number of Cabinet Ministers belonging to

the two regions should be equal. There should also, in addition, be a full-fledged Cabinet Minister belonging to Ladakh.

7.31. *Decentralization of administration.*—The functions of each Head of Department should be divided on a regional basis ; in other words, each Department should have a Head and an Additional Head, one of them functioning in one region and the other in the other region. The Head of Department or Additional Head of Department, as the case may be, will be responsible for all programmes in his region. The Additional Head of Department may correspond with the Secretariat direct on all matters concerning his region. He will, however, send copies of such correspondence to the Head of Department for record. Orders passed by the Government on the proposals of the Additional Head of Department will be sent to him direct with copies to the Head of Department. Matters of common interest and those requiring inter-regional coordination will be dealt with by Head of Department. It is understood that in certain departments, such as the Public Works Department, there is a Chief Engineer for each region. What is suggested by us here is an extension of the principle to the other departments.

7.32. So far as the High Court of Jammu and Kashmir is concerned, when it functions at Srinagar, there should be at least one High Court Judge stationed at Jammu to dispose of matters that may arise in the Jammu region. Similarly, when the High Court functions at Jammu, there should be at least one High Court Judge stationed at Srinagar to deal with the cases arising in the Kashmir region.

7.33. *Regionalization of cadres.*—We are given to understand that all the service cadres of the State of whatever grade are State cadres and officials of every rank or class are liable to be transferred from any part of the State to any other part where there are posts of that rank or class in the service. For instance, we have been told that a peon or Patwari or forest guard may be transferred not only from one district to another but even from one region to another. It has been represented that when officers, particularly the low-paid ones, belonging to one region are posted to the other, they generally tend to count their days until they can get themselves transferred back to their own region and that, as a result, they fail to put their heart in their work in the other region. We feel that such transfers of low-paid staff are likely to cause hardship to them without any compensating administrative advantage. We would suggest that the posts in the various services should, where possible, be divided into three cadres ; namely, a district-based cadre, a region-based cadre and a State-based cadre. Speaking in general terms, the inferior and non-gazetted (other than supervisory) posts should be district-based. In district-based cadres, transfers should be permissible only within the district. Supervisory non-gazetted posts, both

clerical and non-clerical, and class III and class IV gazetted posts should generally form the regional cadre. In region-based cadres, transfers should be permissible only within the region. Members of State-based cadres alone should be liable to transfer anywhere within the State. Although we are recommending the division of the posts into three cadres - a district-based cadre, a region-based cadre and a State-based cadre—we should like to make it clear that the residents of the entire State will be eligible for appointment to the posts included in any of the cadres.

7.34. Members of district-based cadres on promotion to posts in the regional cadre will become transferable anywhere within the region. Similarly, a person on promotion from a post in a regional cadre to a post in the State cadre will become transferable to a place anywhere in the State.

7.35. The Kashmir Administrative Service, the Kashmir Civil Service (Judicial) and the Kashmir Police Service are feeder services for the All India Services and the higher judiciary. Their incumbents should, therefore, have wide experience of State administration. Members of these services and such other State services as the State Government may consider appropriate should, in our opinion, be liable to work for a minimum specified period (say, five years) in one or two spells in each of the three regions, namely Jammu, Kashmir and Ladakh.

7.36. *Regional and District Recruitment Boards.*—As a corollary to the proposal for the decentralization of cadres, a Regional Recruitment Board should be set up for the Jammu region and another for the Kashmir region, and a District Recruitment Board for each district in the State, including Ladakh. The function of the Regional Recruitment Board should be to make recruitment to the regional cadres and that of the District Recruitment Boards to make recruitment to the district cadres. These Boards will concern themselves with filling only those posts which are outside the purview of the Public Service Commission. They could function on a part-time basis and be manned by suitable officers drawn from the regions or the districts, as the case may be.

Regional Discrimination :

7.37. *Separate Universities for Jammu region and Kashmir region.*
We have heard complaints that the Jammu region has been discriminated against by being denied an equal number of University faculties and by not starting any technical and professional colleges there. We have compared the list of faculties existing on the Srinagar campus of the Jammu and Kashmir University with that of the faculties available on the Jammu campus. The former consists of one faculty more than the latter. We do not, therefore, agree that there has been any deliberate discrimination

in the matter. There is, however, another matter which is stated to be agitating the mind of the student community in the Jammu region. We learn that the main university examinations in the Jammu region are held when the Kashmir region has its supplementary examinations and that its supplementary examinations are held when the Kashmir region has its main examinations. We would suggest that there should be a full-fledged university for each of Jammu and Kashmir regions. One of them should immediately start a faculty of law. Perhaps this could be done at Jammu first as there are no professional colleges there. We believe that it would soon become necessary to start law classes in the other university as well.

7.38. Opening of technical and professional colleges.—We note that technical and professional colleges, such as the Medical College, the Engineering College and the Agricultural College, are all located in the Kashmir region and the only professional college which was located in the Jammu region, namely, the Agricultural College at Ranbirsinghpura, has been closed down. This has caused some regional bitterness. As the existing professional colleges are all located in the Kashmir region, we consider that it would be appropriate to open a new Medical College at Jammu. The question of starting an Engineering College in the Jammu region may also be considered subsequently when the need for having a larger number of engineering graduates is felt.

7.39. Matriculation examination.—Another complaint of a regional nature that we have heard is that while the Matriculation Examination is held simultaneously in the Jammu region and the Valley, the dates on which the examination is held in Ladakh are different as a result of which the students of Ladakh lose a whole term when proceeding for higher studies. We would have recommended that the feasibility of holding the examination simultaneously in Jammu, Kashmir and Ladakh be examined by the State Government, had we not been informed by them that henceforth all the annual examinations of the Board of Secondary Education would be held in the Jammu and Kashmir regions in March or April and in Ladakh district in April or May. We have also informed that with this change in dates, the Ladakhi students will not have to lose an academic session.

7.40. Discrimination in rates of foodgrains.—Several representatives from the Jammu and Ladakh regions have drawn our attention to the alleged discrimination in the sale of foodgrains at subsidized rates. The subsidized rates of foodgrains sold in Srinagar City are lower than the corresponding rates in Jammu city. The State Government have explained to us that this is because the prices of foodgrains, particularly rice, which is the staple food of the people of the Kashmir region, have been traditionally low in the Valley ; and that the procurement prices of paddy

there are lower than elsewhere. We find it difficult to understand the explanation given by the State Government because the issue prices of food-grains in the town and mofussils (other than Srinagar City) in the Valley are higher than the corresponding prices in the towns and mofussils of the Jammu region. We do not also understand the significance of the State Government's observation that the procurement prices of paddy in the Valley are lower. The procurement prices should, as far as possible, be linked with the cost of production; otherwise, there would be no incentive to the farmer to increase production. We recommend that the State Government should review their whole price policy, both for the procurement and for the issue of foodgrains, and introduce uniform issue prices for them throughout the two regions. We were told that the State Government were trying to fix a uniform price for coarse rice and also a higher uniform price for Basmati rice throughout the State.

7.41. *Quantum of rations.*—There is also some regional discrimination in the quantum of foodgrain rations that are issued. The quantum of monthly cereal ration in Srinagar City is 11 kilograms of rice and 2 kilograms of Atta, making a total of 13 kilograms, while that in Jammu City is 3.45 kilograms of rice and 6.90 kilograms of Atta, making a total of 10.35 kilograms. The State Government explained this difference on the ground that rice is less nutritious (and made more so "by unscientific cooking") than wheat Atta and that on account of the colder climate of Srinagar the consumption of food is higher in Srinagar City than in Jammu City. So far as we are aware neither of such grounds would be tenable in any other part of the country for justifying a different scale of rations in rice-eating areas or in colder climates. We suggest that the quantum of rations at Srinagar and Jammu should be the same.

7.42. So far as the Ladakh district is concerned, it is not a statutorily rationed area. Rations are issued only to Government servants, both "locals" and "non-locals". The State Government have said that special rations are distributed in Ladakh on permits on the occasion of festivals or to needy persons. The scale of rations in the Ladakh district is stated to be uniform for both local and non-local Government servants, the scale being 14 kilograms per head per mensem. Out of the 14 kilograms, the "non-locals" get 9 kilograms of rice while no rice is issued to Government servants who belong to Ladakh. The State Government explained this distinction by saying that the local people take wheat Atta while "non-locals" generally consume only rice. We are not convinced by this explanation. We recommend that there should be no discrimination made between "non-locals" and "locals". If, however, non-locals want to take the whole or part of the rice ration in the form of wheat Atta they should be permitted to do so. If there is any similar discrimination made in the issue of relief rations to the indigent and needy, the State Government should examine the desirability of removing it.

7.43. The representatives of the State Government explained to us that as the staple food of the local population was grim barley (a cross between wheat and barley), there was no rationing in Ladakh for the general public and that a rationed supply of rice was likely to act as a disincentive to production. As, however, the district of Ladakh is deficit in food-grains, some supplementary rationing should be introduced in the towns of Ladakh, namely, Leh and Kargil, on a basis similar to that adopted for the towns of the Jammu and Kashmir regions, other than the cities of Srinagar and Jammu.

7.44. *Toll barriers.*—At present, all the State toll barriers are located in the Jammu region. There is not a single toll barrier in the entire Kashmir region. Representatives of Jammu complained that this was an instance of regional discrimination. The State Government have explained this by saying that the toll barriers have been so located as to make the collection of the tax convenient and evasion difficult. But as things stand, the toll becomes payable in respect of goods and traffic moving within the Jammu region itself if they have to cross any toll barrier while no toll is payable for movement anywhere within the Kashmir region. This is bound to place the economy of the Jammu region at a disadvantage. The State Government have informed us that they are considering the question of imposing a goods tax on goods moving within the Kashmir region and of those areas of the Jammu region that are not at present covered by toll barriers. We recommend that the system of collection of tolls and the location of the toll barriers should be re-examined and rationalized so that neither region is placed at a disadvantage compared to the other.

Position of Ladakh :

7.45. *Difficulties of Ladakh.*—Ladakh District is in a somewhat unhappy position. It is one of the remotest districts of the country. It is cut off from the rest of the country for the major part of the year. Even when it is not so cut off, access to it is difficult because of the inadequacy of means of transport. The number of civilian buses and trucks plying between Srinagar and Leh is inadequate and the interior places in Ladakh are virtually unconnected. Government servants from other regions posted to the district try to get away from it as quickly as possible because of the rather forbidding terrain and climate. An adequate number of qualified Ladakhis for manning the services in the District is not yet available. We were told that few Ministers and senior officers of the State Government visit the District. In former days it used to have an appreciable trade and commerce with Tibet and the adjoining parts of China. This has now come to an end. There is not a single degree college in the whole of this far-flung district. By all accounts, therefore, the conditions in the Ladakh District are difficult, and its people have a feeling of isolation and neglect.

7.46. Suggested remedies.—We are conscious that both the State Government and the Union Government have done and are doing a great deal to improve these conditions. The people of Ladakh are appreciative of these efforts. But something special seems called for to remove the feeling of isolation and neglect from which Ladakh suffers. We recommend the following measures :—

- (i) A degree college should be established immediately at Leh. Subsequently, a second college should be established at Kargil.
- (ii) The transport facilities available to Ladakh should be improved; in particular, the number of buses and trucks plying between Srinagar and Leh should be substantially increased and transport facilities made available to the interior places in Ladakh.
- (iii) Suitable arrangements should be made for the stay at Kargil of persons travelling between Leh and Srinagar.
- (iv) Stable and satisfactory arrangements for providing electricity to Leh and Kargil and other places of importance in Ladakh should be made.
- (v) The single-line administration which was introduced in Ladakh some time ago should be revived in its entirety. The post of Development Commissioner should be merged with that of the Deputy Commissioner and the incumbent of the post should function as the Head of all Departments in Ladakh, and the Ladakh Affairs Secretary should be the Secretary for all subjects so far as Ladakh is concerned. He should work under the Ladakhi Minister who could hold charge of the portfolio of Ladakh Affairs.
- (vi) The headquarters of the Ladakh District (in area one of the largest in India) lacks even the ordinary amenities and attributes of a district headquarters town. It is necessary that its status should be accorded due recognition by the construction of suitable buildings and roads, improving sanitary arrangements and such other measures. It would be appropriate if the old Raja's Palace were made into a museum for Ladakhi antiquities and arts and crafts.

7.47. It was represented to us that the procedure for sanctioning roads, irrigation and hydel schemes for Ladakh was extremely lengthy and dilatory and that such schemes had to pass through numerous stages before

they could be implemented. We have had case studies made of a few such schemes and it does appear that they are unduly delayed at certain stages both in the State Government and in the Central Government. It is doubtful, however, whether any of the stages can be eliminated altogether. Until recently, all such schemes of more than Rs. 3 lakhs had to be laid before the Council of Ministers for according administrative approval and this entailed delay. By a welcome amendment of the relevant Rules of Business, administrative approval to schemes of over Rs. 20 lakhs can now be accorded with the Chief Minister's approval and to those of less with the approval of the Minister-in-charge. We were happy to observe that, in the cases which were studied by us, where more than one authority had to be consulted about any matter, action had generally been taken to consult them simultaneously and not successively. In the circumstances, as the working season in Ladakh is short and the need for speedy disposal great, we would recommend that all authorities concerned in the State and the Central Governments should be instructed to deal as expeditiously as possible with the schemes relating to Ladakh.

7.48. Incidentally, we may mention that some representatives of Ladakh pointed out to us that in earlier times the State was referred to in certain documents as 'Jammu, Kashmir, Ladakh and Tibet-ha', 'Tibet-ha' being a Persian adaptation of Little Tibet. Subsequently, this usage seems to have fallen into disuse and reference to Ladakh and Tibet-ha was dropped. They, therefore, suggested that Ladakh should get its due place in the formal name of the State. We recommend that this plea should be taken into consideration by the State Government and some change made to meet the sentiments of the residents of Ladakh.

Land Reforms :

7.49. *Wazir Committee recommendations.*—The subject which seems to be agitating the mind of people in the State most, irrespective of the region to which they may belong, concerns the abolition of big landed estates and the working of the provisions of the tenancy laws. Party after party which appeared before us had bitter things to say about them. There has been agitation in some form or other ever since the Big Landed Estates Abolition Act, 1950, and the amendments to the Tenancy Act came into force. In 1953, the State Government appointed a Committee to examine the working of land reforms and certain other matters under the chairmanship of Mr. Justice Janki Nath Wazir. In its report submitted the same year, the Committee pointed out several inconsistencies, anomalies and iniquities in the land reforms adopted by the State Government. We have been informed that no action was taken by the State Government on the recommendations of the Committee on matters relating to land reforms.

7.50. *Land Commission.*—The agitation seems to have continued. In 1963 the State Government appointed a Land Commission to go into the whole question of land reforms, including the conduct of settlement, the consolidation of holdings and the prevention of fragmentation and co-operative farming. We understand that the Land Commission has since submitted its report to the State Government.

7.51. *Removal of anomalies.*—We do not propose to go into the question of land reforms in detail. The expropriation of property without the payment of compensation and holding the landlord liable for mortgages on the land so expropriated are indeed unusual provisions. But they have been legally validated. Moreover these provisions came into force eighteen years ago. Their operation can hardly be reversed now because that would lead to a fresh upheaval.

7.52. It should, however, be possible for the State Government to remove some of the obvious anomalies. We suggest that the State Government should give due consideration to the recommendation of the Wazir Committee relating to land reforms and also to the recommendations of the subsequent Land Commission and take action to remove the anomalies, wherever possible. For instance, it is anomalous that if the extent of tenancy or tenancies under one landlord is not more than 100 *kanals* the rent payable by the tenant should be one-half, but as soon as the tenancy exceeds 100 *kanals*, the rent should be one-fourth in respect of the entire land including the first 100 *kanals*. This would mean that a landlord having more than 100 *kanals* under tenancy will in fact get less than what a landlord having 100 *kanals* will get. On the other hand, if a landlord owning singly more than 100 *kanals* dies and is succeeded by two or more heirs, the extent of the ownership of each heir and consequently the extent of the tenancy under each will be less than 100 *kanals*. In such cases, the heirs should be enabled to collect rent at the same rate at which any other landlord owning less than 100 *kanals* can get under the law. But as the law stands, they can get a rent of only one-fourth. If, however, they are to get a rent of one-half, the tenant or tenants will be hard hit for no fault of theirs. We feel that the proper remedy is to fix a uniform rate of rent on a scientific basis.

7.53. *Applications for ejectment of tenants.*—According to Section 44 of the Jammu and Kashmir Tenancy Act, 1923, a tenant can, subject to certain conditions, be ejected on any of the following grounds, namely:—

- (i) that he has used the land comprised in the tenancy in a manner which renders it unfit for the purpose for which it was let ;
- (ii) when rent is payable in kind, that he has without sufficient cause, failed to cultivate the land in the manner or to the extent customary in the locality in which the land is situate ;

- (iii) that a decree for arrears of rent in respect of the tenancy has been passed against him and remains unsatisfied without sufficient cause ;
- (iv) that being a tenant other than an occupancy tenant for a fixed term, he has sublet the land ; and
- (v) that the landlord requires the land for his personal cultivation.

We were told that though the applications for ejectment made in accordance with the above-mentioned provisions are meant to be disposed of in a summary manner by the revenue courts they drag on for long periods resulting in needless harassment to the landlords. We were also told that a very large number of such applications are awaiting disposal. Besides, action on about 5,000 applications made for ejectment of tenants on grounds of resumption for personal cultivation by the landlords has been stayed till 31 December 1968 by a statutory notification. We recommend that the notification staying the disposal of these applications should be rescinded, the Act under which the notification has been issued be repealed and all pending applications for ejectment be disposed of as expeditiously as possible.

7.54. Six-monthly move of the Secretariat.—It has been pointed out to us that the practice of the six-monthly move of the headquarters of the State Government causes dislocation of work and is wasteful. We agree that this practice does cause dislocation and results in a waste of time. It would perhaps be logical to let the Secretariat of the State Government function at one place throughout the year allowing only a camp office to move to the other place for a limited period. If such a course were adopted, the permanent headquarters would probably be at Srinagar and the camp office would move to Jammu during the winter. Apart from other considerations, however, this arrangement would not be practicable for a long time to come for want of adequate heating arrangements which would be required in the office buildings and also at the residences of the officers and staff at Srinagar. Besides, in dealing with this question the impact of the proposed change on the minds of the residents of the Jammu region cannot be ignored. This arrangement has been in existence for very many years. For the reasons already indicated, therefore, we would not recommend its discontinuance.

7.55. Rehabilitation of refugees from non-liberated areas.—The refugees who have migrated from the non-liberated areas of Jammu and Kashmir to the other part of the State have complained to us that they have not been properly rehabilitated though a period of twenty-one years has elapsed since they were uprooted. They contend that many of them were residents of Muzaffarabad and Uri which belong to Kashmir Province and

that they should have been settled in the Kashmir region. They have stated that this was not done and that they were unjustifiably moved to the Jammu region. They have alleged that when lands were allotted to them, a sum of Rs. 2,500 per evacuee family was withheld from the rehabilitation grant, but they have not been given proprietary rights over their lands yet. They also desire that the registration of their claims for property left behind in the non-liberated areas of the State should be undertaken without further delay so that when there is an eventual political settlement their claims do not go by default for want of evidence. The problem requires to be handled with sympathy and understanding. We hope that the State Government will do all that they can to allay the apprehensions of these refugees.

7.56. *Clean and efficient administration.*—We have heard complaints of corruption, inefficiency and political interference in the State's administration. We are not directly concerned with these complaints. We have taken note of them only in so far as they tend to contribute to the irritations and tensions in the State. The allegations made before us were mostly of a general nature. We have no cause to think that the position in Jammu and Kashmir is worse than in many other parts of the country. The need for giving the people a clean and efficient administration cannot be over-emphasized, but as the Jammu and Kashmir State occupies a strategic area and there are already several other matters which are causing irritations and tensions in the State, the need for this in Jammu and Kashmir is even greater. We hope that the State Government will address themselves urgently to this important matter and that in this endeavour they will receive the unstinted support of the Services.

7.57. We have stressed the need for giving the State of Jammu and Kashmir a clean and efficient administration which may inspire the faith of the common man in the impartiality and incorruptibility of its officers. It is obvious that in securing a clean and efficient administration for the State, its Services will have to play an important role. The members of the Services should be men of character and integrity who are able to act independently and fearlessly without running the risk of incurring the displeasure of their official superiors or political bosses. In order to give them a greater sense of security we should like to make certain specific recommendations.

7.58. We consider that fresh appointments to posts should as a rule be made only on the recommendation of the Public Service Commission or the Regional/District Recruitment Boards, the establishment of which we have recommended in paragraph 7.36. The tendency to make *ad hoc* appointments against newly created posts should be discouraged, for such appointments cause dissatisfaction; besides, an *ad hoc* appointee gains an advantage over other candidates at the time of regular selection

having worked against the post for some time and acquired the requisite experience. One method of eliminating such *ad hoc* appointments would be to ask the Public Service Commission and the proposed Regional/District Recruitment Boards to maintain panels of eligible candidates for the common categories of posts. For the less common categories, the Commission or the Boards could make recommendations by issuing short-term advertisements and expediting the process of selection. If an appointment to a post within the purview of the Public Service Commission has to be made in an emergency pending selection by the Commission, a temporary promotion from a panel prepared earlier by the concerned Departmental Promotion Committee may be made in preference to the *ad hoc* appointment of an outside candidate. In exceptional cases, however, when an *ad hoc* appointment of an outside candidate is unavoidable, the post should be filled as soon as possible by due selection in accordance with the relevant recruitment rules; no attempt should be made to get the *ad hoc* appointment "regularized" by the Public Service Commission in relaxation of the recruitment rules.

7.59. Regular meetings of the Departmental Promotion Committees, presided over by a Member of the Public Service Commission, should be held so that up-to-date panels of officers eligible for promotion to posts within the purview of the Commission are always available. *Ad hoc* promotions pending the approval of the Public Service Commission should be avoided. With a view to introducing greater objectivity in their deliberations and greater uniformity in the manner of their functioning, the Departmental Promotion Committees, whether presided over by a Member of the Public Service Commission or not, should invariably have a representative of the Services Department as a member.

7.60. The basic problem of the State as in several other parts of India has long been poverty, disease, ignorance and unemployment. In spite of the completion of three Five-Year Plans, the lot of the common man in the State does not seem to have substantially improved. Complaints were made before us that the large funds received from the Union Government over the years for the implementation of the State's developmental programmes had not been properly utilized and that the formulation and execution of many schemes and projects had been haphazard and defective. We feel that if developmental plans and programmes are formulated with due regard to the actual economic needs of the people and are implemented with vigour and efficiency, they would lead to their economic betterment and that would help the State Government to overcome the basic problem.

CHAPTER VIII

RECOMMENDATIONS

Development Programmes:

1. There should be a statutory State Development Board and statutory Regional Development Boards for the three regions -Jammu, Kashmir and Ladakh. The Regional Boards should be headed by the Chief Minister or the Planning Minister and should consist of legislators from the regions, economists, experts and concerned officials. The regions should be adequately represented on the State Development Board which should be headed by the Chief Minister.

The functions of the Regional Development Boards will be—

- (a) to draw up the regional Plans ;
- (b) to assign priority to schemes and projects included in the regional Plans ; and
- (c) to supervise the implementation of the regional Plans.

In discharging these functions it should be the special responsibility of the Regional Development Boards to pay due regard to the special needs of the backward areas of their respective regions.

The State Development Board will scrutinize the regional Plans, prepare a residuary Plan of schemes and projects which transcend regional boundaries or happen to be of an all-State interest and allocate Plan funds equitably (after taking into account the population, area and the specific needs of each region) to the regional Plans and the residuary Plan of all-State interest. [Paragraphs 4.26 to 4.28]

2. The State Development Board and each of the Regional Development Boards will prepare at the end of each year a report of their respective activities giving details of the progress of the Plan programmes and Plan expenditure. At the end of each Plan, similar detailed reports should be prepared by the Boards indicating the physical and financial targets and the physical and financial achievements. All these reports should be laid before the Legislature as soon as may be after they are prepared. [Paragraph 4.29]

Recruitment Policies :

3. Recruitment rules for all the State services for which they do not exist at present should be framed and promulgated as early as possible. Recruitment rules for other services also should be speedily framed.

[Paragraph 5.17]

4. Complete, tabulated results of all competitive examinations held by the Public Service Commission and any other Recruitment Board that may be set up, should be published. These results should be sent to all candidates who have taken the examination or, if this is not always feasible, the results should at least be made available for scrutiny on request.

[Paragraph 5.18]

5. Seniority lists for all services should be drawn up correctly and maintained up to date.

[Paragraph 5.19]

6. The annual confidential reports on all Government servants should be written up regularly and objectively and maintained properly. There should be provision for the review of the confidential rolls by an authority superior to the reporting officer. A proper procedure should be prescribed for dealing with representations of Government servants against adverse entries in their confidential rolls.

[Paragraph 5.20]

7. The following multiple criteria should be adopted for determining which classes should be treated as backward :—

- (1) The economic backwardness of the class.
- (2) The occupation or occupations pursued by that class of citizens.
- (3) Their place of habitation.
- (4) The average of student population per thousand in that class.
- (5) Caste, in relation to Hindus.

[Paragraphs 5.33 and 5.34]

8. The existing list of backward classes should be revised and a fresh list drawn up by a high-powered committee after applying the multiple criteria, mentioned above, relating to social, educational and economic backwardness.

[Paragraph 5.35]

9. Article 335 of the Constitution of India should be made applicable to the Jammu and Kashmir State and reservation for the Scheduled Castes made in the services in proportion to their population.

[Paragraphs 5.38 and 5.39]

10. Reservation in the services should also be made for the backward classes, as freshly determined, in proportion to their population, subject, however, to the condition that the total reservation for the backward classes and the Scheduled Castes should not ordinarily exceed fifty per cent. The balance of the posts should be filled strictly and solely on the basis of merit. In filling the posts reserved for the backward classes and the Scheduled Castes, persons belonging to each of these categories should be selected on the basis of merit. [Paragraph 5.35]

Educational Policies:

11. Reservation of places in educational and professional institutions should be made for the backward classes and the Scheduled Castes in proportion to their respective population, subject to the condition that the total reservation does not ordinarily exceed fifty per cent. The balance of the places in such institutions should be filled strictly and solely on the basis of merit. In filling the places reserved for the backward classes and those reserved for the Scheduled Castes, merit should be the criterion for selecting the persons in each of these categories. [Paragraph 6.18]

12. A certain proportion of the provision available for the grant of scholarships and study loans should be set apart for the backward classes and the Scheduled Castes. The provision should be separate for each of them and should not be less than the proportion that either of them bears to the population of the State. [Paragraph 6.20]

13. The balance of the provision for the grant of scholarships and study loans should be made available to the rest of the student population. In giving scholarships or loans, the means of the parent or guardian should be an important factor for determining the eligibility of the applicant and, other things being equal, merit should be the sole criterion for granting them. [Paragraph 6.20]

Irritations and Tensions:

14. The Government and the people of the State of Jammu and Kashmir may themselves decide when Article 370 of the Constitution of India should be abrogated. [Paragraph 7.16]

15. The State Government should immediately take all steps to arrange for the holding of elections to the local bodies as early as possible. These elections should be held regularly in future. [Paragraph 7.18]

16. A convention should be established that if the Chief Minister belongs to one region, there should be a Deputy Chief Minister belonging to the other region. By another convention, the number of Cabinet

Ministers belonging to the two regions should be equal. There should also be a full-fledged Cabinet Minister belonging to Ladakh.

[Paragraph 7.30]

17. The functions of each Head of Department should be divided on a regional basis; in other words, each Department should have a Head and an Additional Head, one of them functioning in one region and the other in the other region. The Department will be under the overall control of the main Head who will also be responsible for the coordination of work between him and the Additional Head.

[Paragraph 7.31]

18. When the High Court of Jammu and Kashmir functions at Srinagar, there should be at least one High Court Judge stationed at Jammu to dispose of the cases there. Similarly, when the High Court is functioning at Jammu, there should be at least one High Court Judge stationed at Srinagar to deal with the cases arising in Kashmir.

[Paragraph 7.32]

19. Some of the cadres should be district-based, certain others region-based and the balance State-based. In district-based cadres transfers should be permissible only within the district and in region-based cadres transfers should be permissible only within the region. Members of State-based cadres alone should be transferable anywhere within the State. Generally speaking, the incumbents of inferior and non-gazetted (other than supervisory) posts should be district-based. Supervisory non-gazetted posts, both clerical and non-clerical, should belong to the regional cadres. Class III and Class IV gazetted posts should also generally be in the regional cadres. The residents of the entire State shall be eligible for appointment to the posts included in any of these cadres.

[Paragraph 7.33]

20. The incumbent of a district-based post on promotion to a post in the regional cadre will become transferable anywhere within the region. Similarly, a person on promotion from a post in a regional cadre to a post in an all-State cadre will become liable to transfer to a place anywhere in the State.

[Paragraph 7.34]

21. Members of the Kashmir Administrative Service, the Kashmir Civil Service (Judicial) the Kashmir Police Service and such other State services as the State Government may consider necessary, shall be liable to serve for a minimum specified period (say, 5 years in each of the three regions of Jammu, Kashmir and Ladakh).

[Paragraph 7.35]

22. A Regional Recruitment Board should be set up for each of the Jammu and Kashmir regions and a District Recruitment Board for each district in the State including Ladakh. The function of the Regional Recruitment Board will be to make recruitment to the regional cadres, and

that of the District Recruitment Boards to make recruitment to the district cadres. These Boards will concern themselves with filling those posts which are outside the purview of the Public Service Commission. These Boards could function part-time and be manned by suitable officers drawn from the regions or districts, as the case may be.

[Paragraph 7.36]

23. There should be a separate full-fledged university in both the Jammu and Kashmir regions. One of them, preferably the one in Jammu, should immediately start a faculty of law. Subsequently, law classes will also have to be started in the other university. [Paragraph 7.37]

24. As all the professional colleges are located in Kashmir (the Agricultural College at Ranbirsinghpura also having been closed down recently) it will be proper to open a new medical college at Jammu. The question of starting an engineering college in the Jammu region may also be considered when the need for turning out a larger number of engineering graduates is felt. [Paragraph 7.38]

25. The State Government should review the entire policy of food-grain prices, both for procurement and for issue, and introduce uniform prices for foodgrains throughout the Jammu and Kashmir regions.

[Paragraph 7.40]

26. The quantum of rations issued at Srinagar and Jammu should be the same. [Paragraph 7.41]

27. In the matter of rations issued to Government servants in the Ladakh District, no distinction should be made between "locals" and "non-locals"; if, however, non-locals want to take the whole or part of the rice ration in the form of wheat Atta, this should be permitted.

[Paragraph 7.42]

28. Some supplementary rationing of foodgrains should be introduced at Leh and Kargil on a basis similar to that adopted for the towns of the Jammu and Kashmir regions other than the cities of Srinagar and Jammu. [Paragraph 7.43]

29. The system of collection of tolls and the location of the toll barriers in the State should be re-examined and rationalized so that neither the Jammu region nor the Kashmir region is placed at a disadvantage compared to the other. [Paragraph 7.44]

30. A degree college should be established immediately at Leh. Subsequently, a second college should be established at Kargil.

[Paragraph 7.46]

31. The transport facilities available to Ladakh should be improved. In particular the number of buses and trucks plying between Srinagar and Leh should be substantially increased and transport facilities made available for access to the interior places in Ladakh.

[Paragraph 7.46]

32. Suitable arrangements should be made for the stay at Kargil of persons travelling between Leh and Srinagar.

[Paragraph 7.46]

33. Stable and satisfactory arrangements for providing electricity to Leh and Kargil and other places of importance in Ladakh should be made.

[Paragraph 7.46]

34. The single-line administration which was introduced in Ladakh some time ago should be revived in its entirety. The post of Development Commissioner should be merged with that of the Deputy Commissioner and the incumbent of the post should function as the Head of all Departments in Ladakh and the Ladakh Affairs Secretary should be the Secretary for all subjects so far as Ladakh is concerned. He should work under the Ladakhi Minister who could hold charge of the portfolio of Ladakh Affairs.

[Paragraph 7.46]

35. The status of Leh should be accorded due recognition as the headquarters of a vast region by the construction of suitable buildings and roads, improving sanitary arrangements and other such measures.

[Paragraph 7.46]

36. The sanctioning of roads, irrigation and hydel schemes for Ladakh entails much delay as they have to pass through several stages both in the State Government and in the Central Government. As the passage through these different stages is unavoidable, all the authorities concerned in the State and Central Government should be instructed to deal as expeditiously as possible with the schemes relating to Ladakh.

[Paragraph 7.47]

37. The State Government should consider the request of the people of Ladakh for giving 'Ladakh' its due place in the formal name of the State.

[Paragraph 7.48]

38. There are some obvious anomalies in the Big Landed Estates Abolition Act and the Tenancy Act. The Wazir Committee had in 1953 made certain recommendations for dealing with some of them. The Land Commission appointed in 1963 has recently submitted its report. The State Government should consider the recommendations of the Wazir Committee and the Land Commission and take action to remove the anomalies, wherever possible.

[Paragraph 7.52]

39. The notification staying the disposal of applications made by the land-holders on grounds of resumption for personal cultivation should be rescinded, the Act under which the notification has been issued should be repealed and all pending applications for ejectment should be disposed of as expeditiously as possible. [Paragraph 7.53]

40. The outstanding problems of refugees from non-liberated areas of the Jammu and Kashmir State should be examined sympathetically so that their apprehensions may be allayed. [Paragraph 7.55]

41. Fresh appointments to posts should, as a rule, be made only on the recommendation of the Public Service Commission or the Regional/District Recruitment Boards and the tendency to make *ad hoc* appointments against newly created posts should be discouraged. [Paragraph 7.58]

42. Regular meetings of the Departmental Promotion Committees, presided over by a Member of the Public Service Commission, should be held so that panels of officers eligible for promotion to posts within the purview of the Commission are always available. *Ad hoc* promotions pending the approval of the Public Service Commission should be avoided. The Departmental Promotion Committees should invariably have a representative of the Services Department as a member. [Paragraph 7.59]

Before we conclude we wish to express our sense of appreciation for the very valuable assistance given to us by Mr. B.P. Bagchi, the Secretary of the Commission, in organizing the work of the Commission and drafting the Report. We also wish to express our appreciation for the meritorious work done by the officers of the Commission, particularly Mr. R. Subrahmanian, who was of great help to the Secretary in the drafting of the Report. We also wish to thank the staff of the Commission for their help and co-operation.

P. B. GAJENDRAGADKAR
Chairman.

SHANKAR PRASADA
Member.

(B. P. BAGCHI)
Secretary.

BADR-UD-DIN TYABJI
Member.

Bombay :
November 29, 1968.

APPENDIX 1

PART A

NAMES OF BODIES/ASSOCIATIONS/INDIVIDUALS WHO SUBMITTED WRITTEN MEMORANDA TO THE COMMISSION

1. Shri Abdul Aziz Shawl, Ex-MLA, P.O. Rajouri
2. Shri A. Bhatt, Rainawari, Srinagar
3. Shri Ali Mohd. Sheikh, Kakran, P.O. Kulgam, Kashmir
4. All J & K Backward Classes Union, Jammu
5. All J & K Bohra Sudhar Sabha, Srinagar
6. All J & K Christian Association, Jammu
7. All Jammu and Kashmir National Conference, Srinagar
8. All J & K National Integration Front, Jammu
9. All Kashmir Hindu Action Committee
10. Anjuman Islamia, Jammu
11. Shri Badri Nath Parihar of Village Hadyal, Tehsil Kishtwar
12. Shri Bansi Lal Kohistani, Jammu
13. Beopar Mandal, Jammu
14. Bharatiya Depressed Classes League, Jammu
15. "Citizen of India", West Bengal
16. Congress Committee, Rajouri
17. Constructional Contractors Welfare Association, Srinagar
18. Shri D. G. Dubgotra, Palam Village, Delhi
19. District National Congress Committee, Udhampur
20. Dogra Mandal, Jammu
21. Dogra United Front, Jammu
22. Shri Durga Nath Raina, Chowgam, Tehsil Kulgam
23. Shri D. N. Raina, Chandigarh
24. Ex-Officers of the J & K Forces who retired before 1957, Jammu
25. Ex-Servicemen of J & K State, Jammu
26. Sofi Ghulam Ahmed Gash, Srinagar
27. Shri Ghulam Mohammad Wani, Nadihal-Bandipore, Member
Kashmir Political Conference
28. Shri Ghulam Mohi-ud-Din, Srinagar
29. Shri Ghulam Rasool Matto, Srinagar

30. Government Officers belonging to Ladakh District
31. Gujar Samaj Sudhar Sabha, Poonch District
32. "Illegible (Kashmir)"
33. Ohoudhri Iqbal Azeem (Bakarwal), P.O. and Village Bhimri, Jammu
34. Jammu Autonomy Forum
35. Jammu Citizen's Council, Jammu
36. Janta Adhikar Raksha Samiti, Jammu
37. J & K Agriculturists Association, Jammu
38. Jammu and Kashmir Ravidas Sabha, Jammu
39. J & K Shia United Front, Srinagar
40. Jammu and Kashmir State Gujar Samaj Sudhar Sabha, Jammu
41. Jammu and Kashmir Students Congress (Shri K. Sharma)
42. Jammu and Kashmir Students Congress (Shri Preetam Singh)
43. Shri J.L.K. Jalali, Retired Assistant Governor, Srinagar
44. Shri J. R. Sethi of Jammu
45. Jat Sudhar Sabha, J & K State, Jammu
46. S/Shri Jivan Ram and Chabilal Kapoor of Village Chakcharat Ram, Baramulla
47. Kashmir Chamber of Commerce and Industry, Srinagar
48. Kashmir Fruit Association, Srinagar
49. "Kashmiri Hindu"
50. { Kashmir Rajput Sabha, Mirhama, Kulgam (Kashmir)
51. { (Two Memoranda)
52. Shri Khurshid Anwar Dogra, Jammu
53. Kisan Conference Doda, Jammu
54. Kshatriya Community of Jammu and Kashmir, Jammu
55. Ladakh Buddhist Association, Leh
56. Shri Mela Ram, Advocate, Jammu
57. S/Shri Mohan Lal and others, Clerks Dehat Sudhar Sabha, J & K Government
58. Shri Mohan Lal Motial, Jammu
59. Shri Mulk Raj Acharya, Jammu
60. Muslims Committee, Udampur
61. Shri Nanak Chand Hieuntal, Border Security Force, Srinagar
62. Nehru Ekata Committee, Jammu
63. Shri Nirnanjan Nath Kaul, Batapura, Shopian (Kashmir)

64. "Observer"
65. Oilmen of Sopore town
66. Pleading Committee, Ladakh National Congress
67. Shri Poshkar Nath Dhar, Anantnag
68. Shri Prabhu Shoor, Poonch
69. Praja Socialist Party, Jammu and Kashmir State, Jammu
70. Shri Prathvi Nath, Srinagar
71. President, Nyaya-Bhavan, P.O. Banat, District Muzaffarnagar, U.P.
72. "Public" of Doda District
73. Raksha Samiti, Poonch
74. Shri Ram Ohander Khajuria, Billawar, District Jammu
75. Refugees from Pakistan, District Kathua
76. Residents of Tehsil Billawar
77. Rural Kashmiri Pandits, Kulgam
78. Secretary, Naya Bhawan, Jammu
79. Shri Shabbir Ahmed Salaria, Advocate, Jammu
80. Shri Shamim Ahmed Shamim, MLA, Srinagar
81. Shri Shiv Kumar Sharma, Sakhi Dafar, 7th Bridge, Srinagar
82. Singh Sabha, Jagir Sialkot, Village Balhama, Tehsil Sopore, District Baramulla
83. Siri Guru Singh Sabha Jammu, Akali Dal Jammu Province, and Sikh Minority Board, Jammu and Kashmir, Jammu
84. Shri S. Norbo, MLC, Leh
85. Shri Suraj Parkash Malgotra, Jammu
86. Shri Suresh Chander, Srinagar
87. Shri Tek Singh Dua, Jammu
88. "Traders of Gilgit etc."
89. "Uprooted Muslims of Tehsil Ramnagar, District Udhampur (Jammu)"
90. Walnut Dealers Association, Srinagar
91. Without name and date
92. Shri Zafar Hussain, Jammu (Tawi)
93. Zamindara Association, Jammu

PART B

PARTIES/ASSOCIATION/INDIVIDUALS WHO SUBMITTED MEMORANDA OR
SUPPLEMENTARY MEMORANDA LATER

1. Shri Ali Mohd. Sheikh, P.O. Kulgam
 2. All J & K Bhora Sudhar Sabha, Srinagar
 3. All Kashmir Hindu Action Committee
 4. Anjuman Islamia, Jammu
 5. Shri Bansi Lal Koliastani, Jammu
 6. Beopar Mandal, Jammu
 7. Dogra Mandal, Jammu
 8. Dogra United Front, Jammu
 9. Ex-J & K Militia Personnel
 10. Ex-officers of the J & K Forces who retired before 1957
 11. Ex-servicemen of J & K State, Jammu
 12. Shri Ghulam Nabi Khyal, Srinagar
 13. Shri Harbans Singh Azad, Chairman, Village and Khadi Industries Board, Srinagar
 14. J & K Agriculturists Association, Jammu
 15. Jammu and Kashmir State Gujar Samaj Sudhar Sabha, Jammu
 16. Janta Adhikar Raksha Samiti, Jammu
 17. Jat Sudhar Sabha, J & K State, Jammu
 18. Kashmir Chamber of Commerce and Industry, Srinagar
 19. Shri Mohan Lal Motial, Jammu
 20. Major Piarsingh, MLC, P.O. Janglot (Kathua)
 21. Oilmen of Sopore town
 22. Pradesh Congress Refugee Advisory Committee, Jammu
 23. President, Action Committee, Landless Jagirdars of Kashmir
 24. Shri Guru Singh Sabha Jammu, Akali Dal Jammu Province, and Sikh Minority Board, Jammu and Kashmir, Jammu
 25. Sharnarathi Action Committee, Jammu
 26. Sharnarathi Pratinidhi Board, Jammu
 27. Shri S. Norbo, MLC Leh
 28. Mtr. Zainab Begum, Gagribal, Srinagar
 29. Zamindara Association, Jammu
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APPENDIX 2

NAMES OF PARTIES/ASSOCIATIONS/INDIVIDUALS WHO GAVE ORAL EVIDENCE BEFORE THE COMMISSION AT SRINAGAR

6 June 1968

1. Shri H. S. Azad, Chairman, Khadi and Village Industries Board Srinagar
2. Shri Mohammad Muzaffar Khan, MLA, Tehsil Uri (Kashmir)
3. Shri Mohammad Younis, MLA, Tangdar (Kashmir)
4. The Jammu and Kashmir Shia United Front, Srinagar, and
5. Shri Ali Mohammad Sheikh and other land owners of Kulgam (Kashmir)

7 June 1968

1. Syed Mir Qasim, President, Jammu and Kashmir Pradesh Congress
2. Shri R. K. Pandit, M.A., R/o Kakran, P.O. Kulgam (Kashmir) and others
3. The Kashmir Chamber of Commerce and Industry, Srinagar (Kashmir)

8 June 1968

1. Shri Mohammad Shafi, Deputy Minister for Animal Husbandry, Jammu and Kashmir
2. All Jammu and Kashmir National Conference, Srinagar
3. Shri Ghulam Rasool Matto, Srinagar
4. Singh Sabha, Village Balhama (Baramulla)

10 June 1968

1. Shri Ghulam Nabi 'Khayal', Editor 'Watan' and Secretary Swatantra Forum
2. Shri Jiwan Ram and Shri Chabilal Kapoor, Village Chakcharat Ram, Baramulla (Kashmir)

11 June 1968

All Jammu and Kashmir National Conference, Srinagar

12 June 1968

1. The Jammu and Kashmir State Gujar Samaj Sudhar Sabha, Jammu

2. The Traders of Gilgit
3. Oilmen's Industrial Cooperative Society, Sopore
4. Shri Nanak Ohand Hieuntal, Inspector, Border Security Force
5. (i) Shri Guru Singh Sabha, Jammu and Kashmir
(ii) The Sikh Minority Board, and
(iii) Sikh Riyasati Akali Dal, Jammu

13 June 1968

1. Shri G. R. Kar, Minister of State for Forests and Irrigation
2. Shri S. K. Kaul, MLA, Srinagar
3. Shri Motilal Misri, Secretary, Communist Party of India, Kashmir Branch, Srinagar
4. All Jammu and Kashmir Bhora Sudhar Sabha, Srinagar
5. Shri Sofi Ghulam Ahmed Gash, Pleader, Bar Association, Srinagar
6. Shri Saifudin Soze, President, Backward Classes League, Baramulla,
7. Kumari Veena Dhar

14 June 1968

All Kashmir Hindu Action Committee

15 June 1968

1. Mohtarma Zainab Begum, Srinagar
2. Agha Syed Ahmed, M.P., Srinagar
3. Professor D. N. Raina, Chandigarh
4. Shri Shamim Ahmed Shamim, MLA, Srinagar

17 June 1968

The Pleading Committee, Ladakh National Congress, Leh

18 June 1968

1. Shri Sonam Narboo, MLC, Leh
2. Kacho Mohammad Ali Khan, M.L.A, Kargil
3. Ladakh Buddhist Association, Leh

APPENDIX 3

NAMES OF PARTIES/ASSOCIATIONS/INDIVIDUALS WHO GAVE ORAL EVIDENCE BEFORE THE COMMISSION AT JAMMU

22 August 1968

1. Shri Beli Ram, Deputy Speaker, Legislative Assembly
2. Shri Dharam Pal, MLA
3. Zamindara Association, Jammu
4. Shri Mohan Lal Motial, Jammu, and Others
5. Agriculturists Association, Jammu
6. Janta Adhikar Raksha Samiti, Jammu

23 August 1968

1. Shri Parmanand, Deputy Minister, Transport
2. Shri Bhagat Chajoo Ram, MLA
3. Shri Guran Ditta Mal, MLA
4. Major Piarsingh, MLC
5. Shri Lachman Singh, MLC
6. Anjuman Islamia, Jammu.
7. Jammu Citizens' Council, Jammu

24 August 1968

1. Shri Prem Nath Dogra, MLA
2. Shri Ram Nath Bhalgotra, MLA
3. Jammu and Kashmir Ex-Servicemen's Association, Jammu
4. Ex-Army Officers of Jammu and Kashmir State, Jammu
5. Jammu Autonomy Forum, Jammu
6. Raksha Samiti, Poonch
7. Shri Zaffar Hussain, Jammu
8. Ex-Jammu and Kashmir Militia personnel

25 August 1968

1. Shri Trilochan Dutta, MLA
2. Shri Bansi Lal Kohistani, MLA
3. Distt. National Congress Committee, Udhampur
4. Gujjar Samaj Sudhar Sabha, Jammu

5. Praja Socialist Party, Jammu and Kashmir State, Jammu
6. Shri Phulel Singh, Doda

26 August 1968

1. All J & K National Integration Front, Jammu
2. All J & K Backward Classes Union, Jammu
3. J & K Ravidas Sabha, Jammu
4. Shri Prabhu Shoor, Village Kangri, Distt. Rajouri
5. Jat Sudhar Sabha, Jammu and Kashmir State, Jammu
6. All J & K Kshatriya Sadar Sabha
7. Dogra Kashtriya Sadar Sabha, Jammu
8. Khukhran Bradri (Kashatriya Khukhran), Jammu
9. Beopar Mandal
10. Convener, Pradesh Congress Refugee Advisory Committee, Jammu

27 August 1968

1. Dogra United Front, Jammu
2. Dogra Mandal, Jammu
3. J & K Students Congress, Jammu
4. J & K Students Congress, Jammu
5. Residents of Tehsil Billawar/Basholi
6. All J & K Christian Association, Jammu

In addition to the persons mentioned above, Dr. Karan Singh, Union Minister for Tourism and Civil Aviation, met the Commission informally on 24 August 1968 at Jammu.

APPENDIX 4

LIST OF PERSONS WHO APPEARED BEFORE THE COMMISSION AT
SRINAGAR, IN SEPTEMBER, 1968

14 September 1968

1. Thakur Ranjit Singh, Minister of Works and Transport
2. Pir Gias-ud-Din, Minister of Industries and Power
3. Shri M. A. Khan, Minister of Health

15 September 1968

1. Chairman, Public Service Commission
2. Chief Secretary ; Commissioner, Planning and Development ;
Finance Secretary ; Food Commissioner ; Revenue Secretary ;
Additional Secretary, Education

16 September 1968

1. Shri G. L. Dogra, Minister of Revenue
2. Shri S. N. Fotedar, Chairman, Legislative Council

In addition to the persons mentioned above, the following persons met the Commission informally :—

1. Shri Bhagwan Sahay, Governor of Jammu and Kashmir
2. Shri G. M. Sadiq, Chief Minister, Jammu and Kashmir
3. Shri Janki Nath Wazir, Retired Chief Justice of Jammu and Kashmir High Court

नमो भगवते वासुदेवाय

APPENDIX 5

BREAKDOWN OF BUDGETARY RESOURCES

I. 1960-61

(In Lakhs of Rupees)

Sl. No.	Head	Jammu	Kashmir	Ladakh	Total
1.	Forests ..	190.72	171.13	0.16	362.01
2.	Excise ..	30.78	10.72	..	41.50
3.	Entertainment Tax ..	2.81	2.16	..	4.97
4.	Show Tax ..	..	..	..	..
5.	Road Toll Basic ..	24.66	16.43	..	41.09
6.	Road Toll Addl. ..	27.29	32.41	1.71	61.41
7.	Sales Tax (Gen) ..	5.60	4.83	..	10.43
8.	Sales Tax (Motor Spirit) ..	9.27	4.92	..	14.19
9.	Passenger Tax ..	..	..	..	..
10.	Property Tax ..	..	..	..	..
11.	Stamps ..	5.38	7.82	0.05	13.25
12.	Electricity ..	6.56	(-) 6.56	..	..
13.	Irrigation ..	4.44	1.00	..	5.44
14.	Rents and Misc. P.W.D. Receipts ..	2.35	12.03	..	14.38
15.	Land Revenue ..	24.65	42.10	0.97	67.72
16.	Fees under Motor Vehicles Act ..	0.52	1.77	..	2.29
17.	Taxes under Motor Vehicles Taxation Act ..	4.05	3.10	..	7.15
18.	Transport ..	46.73	15.58	..	62.31
19.	Water Rates ..	3.40	3.50	..	6.90
Total		389.21	322.94	2.89	715.04

II. 1963-64 ...

APPENDIX 5 (Contd)

II. 1963-64

(In Lakhs of Rupees)

Sl. No.	Head	Jammu	Kashmir	Ladakh	Total
1.	Forests	167.10	203.50	N.A.	370.60
2.	Excise	48.65	15.55	..	64.20
3.	Entertainment Tax	4.06	3.00	..	7.06
4.	Show Tax	0.37	0.23	..	0.60
5.	Road Toll Basic	36.84	24.56	..	61.40
6.	Road Toll Addl.	59.22	70.34	3.70	133.26
7.	Sales Tax (Gen)	27.89	15.03	..	42.92
8.	Sales Tax (Motor Spirit)	15.84	12.94	..	28.78
9.	Passenger Tax	4.76	7.77	..	12.53
10.	Property Tax	0.56	0.23	..	0.79
11.	Stamps	8.46	11.47	0.14	20.07
12.	Electricity	(—)3.40	36.24	..	32.84
13.	Irrigation	3.12	2.23	..	5.35
14.	Rents and Misc. P.W.D. Receipts	4.27	13.55	..	17.82
15.	Land Revenue	25.51	33.06	1.20	59.77
16.	Fees under Motor Vehicles Act	2.23	7.90	..	10.13
17.	Taxes under Motor Vehicles Taxation Act	6.91	5.93	..	12.84
18.	Transport	48.54	25.10	..	73.64
19.	Public Health	1.58	1.75	..	3.33
Total :		462.51	490.38	5.04	957.93

III. 1965-66

APPENDIX 5 (Contd)

III. 1965-66

(In Lakhs of Rupees)

Sl. No.	Head	Jammu	Kashmir	Ladakh	Total
1.	Forests	137.19	177.40	N.A.	314.59
2.	Excise	72.63	17.96	..	90.59
3.	Entertainment Tax	4.22	3.26	..	7.48
4.	Show Tax	0.38	0.22	..	0.60
5.	Road Toll Basic	51.37	34.25	..	85.62
6.	Road Toll Addl.	71.30	84.64	4.46	160.40
7.	Sales Tax (Gen)	35.44	16.10	..	51.54
8.	Sales Tax (Motor Spirit)	13.36	13.50	..	26.86
9.	Passenger Tax	4.72	6.35	..	11.07
10.	Property Tax	1.07	0.92	..	1.99
11.	Stamps	7.63	13.20	0.11	20.94
12.	Electricity	3.30	32.03	..	35.33
13.	Irrigation	3.47	2.00	..	5.47
14.	Rents and Misc. P.W.D. Receipts	6.25	10.70	..	16.95
15.	Land Revenue	18.29	24.27	1.08	43.64
16.	Fees under Motor Vehicles Act	6.23	9.13	..	15.36
17.	Taxes Under Motor Vehicles Taxation Act	9.17	7.59	..	16.76
18.	Transport	5.83	6.19	0.07	12.09
19.	Public Health	2.13	2.19	..	4.32
Total		453.98	461.90	5.72	921.60

IV. ALLOCATION OF RESOURCES : ASSUMPTIONS.....

APPENDIX 5 (Concl'd)

IV. ALLOCATION OF RESOURCES : ASSUMPTIONS

(a) The allocation of total resources to different regions has by and large, been made on the basis of the point of collection, though there is no bar to remitting the revenue of one region in the Treasury of another region.

(b) For 'road toll' which is a significant item of revenue of the State, the points of collection are all located in Jammu, though the incidence of the toll is spread all over the State. The location of the toll points is done after taking into account the convenience of collection and ensuring that all possible points of leakage are plugged. The allocation of 'road-toll' has been done by the State Government on the following basis :

(1) *Basic Toll* : 60 percent for Jammu and 40 percent for Kashmir.

(2) *Additional Toll* has been allocated to three regions in proportion to the population of each region.

(c) In respect of receipts under the 'Electricity Department', which is a commercial department, the figures have been worked out by deducting from the gross receipts collected in each region, the working expenses incurred in that region.

(d) With regard to receipts under the Transport Department (which is also a commercial department) the net receipts for the entire State have been worked out by deducting from the gross receipts the working expenses of the year. The net receipts so arrived at have been allocated to the different regions in the proportion of gross receipts collected from each region. While doing so, the receipts accruing from Pathankot have been added to those of Jammu region even though these receipts are on account of services rendered to the Army for carriage of goods from Pathankot to places in the Kashmir Division or Ladakh District. The same procedure has been followed in the case of foodgrains transported from Pathankot to Srinagar.

APPENDIX 6

PLAN OUTLAY AND CENTRAL ASSISTANCE—STATEWISE

(In crores of Rupees)

State	First Plan			Second Plan			Third Plan (Provisional)		
	Plan Out- lay	Cent- ral Assis- tance	Col. (3) as out- % of Col. (2) (2)	Plan Out- lay	Cent- ral Assis- tance	Col. (6) as % of Col. (5) (5)	Plan Out- lay	Cent- ral Assis- tance	Col. (9) as % of Col. (8) (8)
1	2	3	4	5	6	7	8	9	10
1. Andhra Pradesh ..	107	61	57.0	181	96	53.0	349	220	63.0
2. Assam ..	28	22	78.6	63	31	49.2	132	100	75.8
3. Bihar ..	102	55	53.9	177	84	47.5	332	216	65.1
4. Gujarat ..	99	32	32.3	147	50	34.0	240	112	46.7
5. Jammu and Kashmir ..	11.52	10	86.8	31.20	20	64.1	64.09	62	96.7
6. Kerala ..	44	21	54.5	79	38	48.1	182	122	67.0
7. Madhya Pradesh ..	94	61	64.9	145	96	66.2	287	219	76.3
8. Madras ..	85	42	49.4	187	95	50.8	342	187	54.7
9. Maharashtra ..	125	48	38.4	214	74	34.6	435	167	38.4
10. Mysore ..	94	47	50.0	139	67	48.2	264	156	59.1
11. Nagaland ..	..	..	..	..	..	..	11	11	100.0
12. Orissa ..	85	77	90.6	89	66	74.2	224	137	61.2
13. Punjab ..	163	141	86.5	151	88	58.3	252	134	53.2
14. Rajasthan ..	66	60	90.9	100	59	59.0	213	161	75.6
15. Uttar Pradesh ..	166	87	52.4	223	121	53.1	557	356	63.9
16. West Bengal ..	154	113	73.4	156	73	46.8	305	155	50.8

Note : The figures of Plan outlay shown for Jammu and Kashmir have been furnished by the State Government. The figures for the other States are those furnished by the Union Ministry of Finance.

APPENDIX 7

DEVELOPMENT PROGRAMME (PLAN) SECOND FIVE YEAR PLAN

(In lakhs of Rupees)

S.No	Head of Development	Total Plan Outlay	Jammu Region	Kashmir Region	Common to Jammu and Kashmir Regions	Ladakh Region	Total
1	2	3	4	5	6	7	8
1.	Agricultural Programmes	267.74	66.49	88.10	12.11	..	166.70
2.	Co-operation and C.D	228.78	170.00	173.81	2.99	..	346.80
3.	Irrigation	495.45	115.11	250.45	..	..	365.56
4.	Power	329.24	152.68	219.06	..	..	371.74
5.	Village and Small Scale Industries	341.24	18.90	79.33	103.46	..	201.69
6.	Industry and Mining						
7.	Transport and Communications	665.00	502.31	295.86	6.52	..	804.69
8.	Education	281.68	94.05	99.98	18.43	..	212.46
9.	Health	285.00	79.03	72.32	17.70	..	169.05
10.	Water Supply (Rural)	81.07	59.47	21.63	..	..	81.10
11.	Urban Water Supply	..	19.62	15.12	..	..	34.74
12.	Housing	95.00	43.46	58.60	..	..	102.06
13.	Labour and Labour Welfare	9.97	4.66	4.94	..	..	9.60
14.	Welfare of Scheduled Castes and other backward Classes	38.95	33.32	4.85	..	..	38.17
15.	Social Welfare	21.47	1.79	1.74	..	..	3.53
16.	Development of backward area	94.73	..	23.67	..	86.65	110.32
17.	Local Bodies	132.05	24.34	63.16	..	..	87.50
18.	Plan Publicity	15.20	..	..	11.43	..	11.43
19.	Statistical Schemes	9.50	..	..	3.06	..	3.06
Total		3392.07	1385.23	1472.62	175.70	86.65	3120.20

DEVELOPMENT EXPENDITURE OUTSIDE PLAN—SECOND FIVE-YEAR PLAN (1956-61)

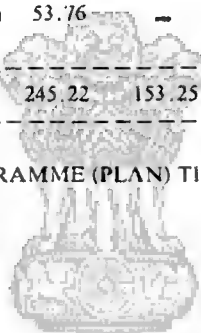
APPENDIX 7 (Contd)

DEVELOPMENT EXPENDITURE OUTSIDE PLAN-SECOND FIVE
YEAR PLAN (1956-61).

(In lakhs of Rupees)

S.No.	Head of Development	Jammu Region	Kashmir Region	Common to Jammu and Kashmir Regions	Ladakh Region	Total
1	2	3	4	5	6	7
1.	Transport and Communications	120.46	88.52	..	..	208.98
2.	National Highways	71.00	64.73	..	..	135.73
3.	Colonies (Rehabilitation of Displaced Persons)	53.76	—	..	..	53.76
Total		245.22	153.25	..	..	398.47

DEVELOPMENT PROGRAMME (PLAN) THIRD-FIVE YEAR PLAN.....



सत्यमेव जयते

APPENDIX 7 (Contd.)

DEVELOPMENT PROGRAMME (PLAN) THIRD FIVE YEAR PLAN

(In lakhs of Rupees)

S.No.	Head of Development	Total Plan Outlay	Jammu Region	Kashmir Region	Common to Jammu and Kashmir Regions	Ladakh Region	Total
1	2	3	4	5	6	7	8
1.	Agriculture Programmes excluding minor irrigation	675.40	165.02	260.99	24.86	..	450.87
2.	Co-operation and C. D.	513.51	156.18	142.76	168.83	..	467.77
3.	Irrigation (including minor irri- gation)	1625.00	169.05	527.16	120.98	..	817.19
4.	Power	997.00	539.53	379.05	40.85	..	959.43
5.	Village and Small Scale Industries	906.00	..	..	864.07	..	864.07
6.	Industry and Mining						
7.	Transport and Communications	931.59	412.05	494.51	97.01	..	1003.57
8.	Education (inclu- ding Cultural activities)	498.02	234.99	325.61	..	..	560.60
9.	Health and Family Planning	351.00	140.13	208.43	8.41	..	356.97
10.	Water Supply						
	(a) Rural	227.44	117.26	122.98	..	..	240.24
	(b) Urban	..	61.32	84.98	..	..	146.30
11.	Housing	200.00	54.32	126.84	..	..	181.16
12.	Labour and Labour Welfare	30.00	15.29	11.78	..	..	27.07

APPENDIX 7 (Contd.)

(In lakhs of Rupees)

S.No.	Head of Development	Total Plan Outlay	Jammu Region	Kashmir Region	Common to Jammu and Kashmir Regions	Ladakh Region	Total
1	2	3	4	5	6	7	8
13.	Welfare of Scheduled Castes and other Backward Classes	24.00	30.68	12.46	..	..	43.14
14.	Social Welfare	13.69	4.03	2.30	..	..	6.33
15.	Public Co-operation	4.45	0.29	..	..	..	0.29
16.	Area Development	402.00	..	50.35 (Sonawari)	..	147.36	197.71
17.	Local Bodies	75.00	17.74	45.23	..	..	62.97
18.	Plan Publicity	13.00	..	..	8.48	..	8.48
19.	Government Presses	5.00	1.81	1.35	..	..	3.16
20.	Statistical Schemes	7.90	..	..	1.47	..	1.47
21.	Metric Systems of weights	..	..	..	10.55	..	10.55
Total		7500.00	2119.69	2796.78	1345.51	147.36	6409.34

DEVELOPMENT EXPENDITURE OUTSIDE (PLAN)—THIRD FIVE YEAR PLAN (1961-66)

APPENDIX 7 (Concl'd.)

DEVELOPMENT EXPENDITURE OUTSIDE PLAN—THIRD FIVE-YEAR
PLAN (1961-66)

(In lakhs of Rupees)

S.No.	Head of Development	Jammu Region	Kashmir Region	Common to Jammu and Kashmir Regions	Ladakh Region	Total
1	2	3	4	5	6	7
1.	Transport and Communications	618.61	285.95	153.48	934.44	1992.03
2.	National Highway	162.07	86.49	..	..	248.56
3.	Local Bodies	10.64	18.44	..	..	29.08
4.	Ladakh Development	..	..	..	14.92	14.92
5.	Colonies (Rehabilitation of displaced persons).	215.92	..	..	..	215.92
	Total	1006.79	390.88	153.48	949.36	2500.51

नमो भगवते वासुदेवाय

APPENDIX 8

A Note on J & K Minerals Ltd.

J & K Minerals Ltd., was established in February, 1960 for exploration of mineral resources in the State of J & K and for the development of mineral based industries including generation of thermal power etc.

The projects which are being managed by the Corporation at present and the targets and achievements of each are given below :—

(i) Wuyan Cement Factory

Investment :	Rs. 136.64 lakhs
Installed capacity :	18,000 tons per year
Production :	
1963-64 „	= 14,554.42 tonnes.
1964-65 „	= 9,756.95 „
1966-67 „	= 8,845.90 (clinker) 8,030.98 (Cement)
1967-68 „	= 7,660.24 (clinker) 5,826.01 (Cement)
Target production for 1968-69	= 12,000 tonnes of cement.

The factory was set-up in February, 1963 with an initial production capacity of 60 tonnes per day. The plant installed in the factory is the only plant of its type and size in Asia. The factory meets the bulk of the requirements of cement in the Kashmir Valley and the sale price has been so fixed that it is slightly lower than the price of cement obtained from the plains. Because of frequent shut-downs of electricity and low voltage, the production of the factory has remained low. The Corporation has recently purchased its own 860 KVA generating set to reduce the effect of the power shut-downs and low voltage. It is proposed to expand the production capacity of the factory to 120 tonnes per day as the demand for cement in the valley is said to be on the increase. During 1968-69, the target production of cement in the factory is expected to be 12,000 tonnes.

(ii) Spun Pipe Factory

Investment :	Rs. 6,61,277
Installed capacity : 6' =	100% efficiency— 9600 Nos.—57,600 rft.
8' =	100% efficiency — 8640 Nos.—69,120 rft.
Production : 1964-65 =	41,344 rft.
1965-66 =	51,648 „
1966-67 =	66,832 „
1967-68 =	74,152 „
Target for 1968-69 =	75,000 „

The factory went into commercial production on 1-4-1964 and its performance is stated to be satisfactory. Since the demand for spun pipes in the valley is said to be steadily on the increase, the production capacity of the factory is proposed to be expanded so as to obtain a capacity of 2.5 to 3 lacs rft. of pipes per annum. During financial year 1968-69, the target production of 75,000 rft. of pipes has been fixed for the factory.

(iii) Prestressed Concrete Factory

Investment	=	Rs. 12,93,266
Installed capacity	=	Capacity as per project report
		30'/350 lb — 3,700 Nos. Poles.
		32'/380 lb — 3,300 „ „
		36'/400 lb — 2,000 „ „
		Actual Capacity
		22'/250 lb — 1,725 „ „
		27'/400 lb — 1,494 „ „
		30'/350 lb — 1,264 „ „
		32'/500 lb — 632 „ „
		34'/400 lb — 575 „ „

Production : -

	22'/250	27'/400	32'/500	30'/350	30'/500	34'/400	Total
1962-63	60	52	66	..	..	..	178
1963-64	960	182	66	66	..	198	1,472
1964-65	..	52	..	814	100	..	966
1965-66	720	416	..	44	80	..	1,260
1966-67	720	104	22	572	60	..	1,478
1967-68	175	252	..	..	20	..	453

Target for 1968-69 = 2,000 poles.

The factory with a capacity for manufacturing 9,000 P. C. C. poles per year went into production on 1-4-1963. The factory which was mainly designed for the manufacture of P. C. C. poles for the State Electrical Department has been facing considerable difficulties from its very inception due to lack of orders from that Department. The State Government has been apprised of the problem from time to time. Plans are stated to be under preparation for utilisation of the idle capacity of the factory by diverting some of its sheds for manufacture of some other P. C. C. products.

(iv) Thermal Power Stations — Kalakot

Investment = Rs. 365.76 lakhs (ending March, 1966)

Capacity = 22.5 M.W.

The power house is under construction at Kalakot and the first unit of 7.5 M. W. has been commissioned on trial basis recently.

(v) Padder Sapphire Mining Project

Production = 1963-64	50,000 grams
1964-65	2,00,000 ..
1965-66	2,24,839 ..
1966-67	1,84,950 ..
1967-68	1,88,672 ..

The extraction of sapphire made at present is mainly from the debris. It is expected that operations connected with the extraction of sapphire corundums from Padder area will be taken-up on a larger scale during the year 1968-69.

(vi) Mining of Coal at Kalakot***Bergoa Mining Project :***

Investment : Rs. 61.59 lakhs (ending March, 66).

Production : 1962-63 = 17,458 tonnes

1963-64 = 19,717 „

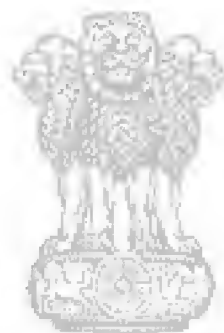
1964-65 = 8,558 „ inclusive of Metka
and Jangalgali

1965-66 = 743.5 tonnes.

The coal extracted from Bergoa mines is being reserved for Thermal Power Station, Kalakot. It is stated that other connected mines, *i. e.*, Metka and Chakkar coalfields are under study at present and some exploratory mining is being done.

(vii) New Projects

The Corporation has also been entrusted with setting up of new units, subject to economic and technical feasibility, like Rayon Grade Pulp and Yarn Plant in Kashmir Valley, and cement plants at Reasi and Basholi in Jammu Province. It is stated that detailed investigations regarding these projects have already been taken up in hand and a firm of consultants namely, M/S. C. M. D. C. are busy at present in preparing the project reports of these projects. The report for the Reasi Cement Plant has already been received from the Consultants and is under detailed scrutiny at present. The project reports for other schemes are expected to be submitted by the Consultants during the year 1968-69. Besides, the Government has also entrusted the work of preparation of a project report for a paper plant of a capacity of 10 tonnes per day to M/S National Industrial Development Corporation.



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APPENDIX 10

**List of Backward Classes other than Scheduled Castes recognized
in the State of Jammu and Kashmir**

A

Acharji ; Arikasha (Sawer) ; Alqa (Patigur) ; Aknoon (Maktab teacher)

B

Bhjojki ; Bafand (Weaver) ; Baba Fquir ; Beggar ; Bede* and Bon (Drum and flute player); Bhands; Bazigar; Banjara; Biloch; Bawria; Bakarwals; Bharmunje ; Bohrees (Kashmir Hindus)

C

*Champas (Nomadic people of Chushul)

D

Dubduba; Dhobi; Dosali; Derazi (Village Darzi)

E**F**

Kul Faqir (Gypsies)

G

*Garaj (blacksmith); Gujjars; Gharate (Kashmir Pohol); Gorkahn (Grave digger); Geseoni; Gaddis; Gosains

H

Hajam

J

Jhiwar; Jullaha; Jogi

K

Kamboh; Kumar; Kanwai (village Nanwai) Kaligar (village Kaligar) Kawaj

L

Lohar; Lubhana

N**M**

Madari; Mirasi; Mochi; Manjie (including Gad Hanjis); Malyar; Markban

N

Nalband; Nadar (Kashmir Doom)

P

Pakhtoons; Pathira (Khrist saz); Pandit Goar

Q

Qasab

R

Reshi (Maliyar); Rangreez; Razire

*Ladakh District

APPENDIX 10 (Concl'd)**S**

Sansi; Sikligar; Shaksar; Sheer Gujar; Sangtrash (stone-cutter); Shaw
Faqir; Shippies; Sochies

T

Teli; Tarkhans; Thanthur

W

Watal (Sweepers, Shupri. Watal); Waza (village Waza)

Z

Zalooger (Durkigar); Zargar (village Zargar)

List of Scheduled Castes

- | | |
|-----------------------|-------------------------|
| 1. Barwals | 8. Gardi |
| 2. Basith | 9. Jolaha |
| 3. Batwal | 10. Megh or Kabirpanthi |
| 4. Chamer or Ramdasia | 11. Ratal |
| 5. Chura | 12. Saryara |
| 6. Phyar | 13. Watal |
| 7. Doom or Mahasha | |



सत्यमेव जयते

APPENDIX 11

Government of Jammu and Kashmir
General Department

CIRCULAR

Rule 19 of Civil Services (Classification, Control and Appeal) Rules provide for securing of adequate representation of various communities in the State in services. In pursuance of this Rule, Government have been contemplating to determine certain reservation of posts for Scheduled Castes. It has now been decided that with a view to achieve this purpose :—

1. all appointing authorities should know the districtwise population of Harijans in the State and while making appointments keep this in mind. If the post relates to a district or region the percentage of population in the district or region may be considered for fixing number of appointments to be reserved for Harijans. If it relates to the State as a whole the percentage of population in the whole State may be considered;
2. for this purpose the population figures as given in the Census Report 1961 are brought to the notice of appointing authorities.

State/Division/District	Total Population (in lakhs)	Scheduled Castes
Jammu and Ka-hmir ..	35.67	2.84
Jammu Division	15.72	2.84
Udhampur District	2.54	0.51
Doda District	2.68	0.25
Jammu District	5.17	1.52
Kathua District	2.07	0.47
Poonch Rajouri District	3.26	0.09

Similarly in the case of allotment of seats for technical or other institutions, heads of the institutions and the selecting authorities should keep the above ratio in view.

The undersigned is directed that the above policy should be strictly followed while making appointments.

(Sd). E. N. Mangat Rai,
Chief Secretary to Government.

APPENDIX 11 (Contd)

No.GD(ADM) 4/65-SW(i) Dated : -7-1966

Copy for information and necessary action forwarded to the :

1. All Secretaries to Govt.
2. Secretary to Governor.
3. Secretary to Chief Minister.
4. Secretary Public Service Commission.
5. All Head of Departments.
6. All Provincial Heads.
7. Superintendent Govt. Press for publication in the three consecutive issues of the Govt. Gazette.



APPENDIX 12

Government of Jammu and Kashmir Civil Secretariat - General Department

NOTIFICATION

No.1034-D of 1968 Dated 20-7-1968

Whereas on the basis of the facts, figures and data given in the Census Report and those available from other sources including public records, the Government is of the opinion that the permanent residents of Ladakh District and the permanent resident Scheduled Castes are backward classes of citizens of the State and are not adequately represented in the services under the State ;

Now, therefore, the Government hereby directs that reservations shall be made in the services and posts under the State in favour of these classes which shall, as nearly as may be, bear such proportion to the available vacancies as is specified below against each such class and appointment to such services and posts shall be regulated accordingly :

- (a) Permanent resident Scheduled Caste .. 5 %
- (b) Permanent residents of Ladakh Distt. .. 2 %

Provided that if a sufficient number of candidates belonging to any class specified above is not available for filling up the available vacancies reserved for such classes, the remaining vacancies shall lapse and shall be filled up on merit from amongst other candidates.

This order shall apply to all cases in which recruitment action has not been completed.

EXPLANATION :—For purposes of this order "available vacancies" means the vacancies in the service or in respect of posts under the State which are to be filled.

By Order of the Government of Jammu and Kashmir.

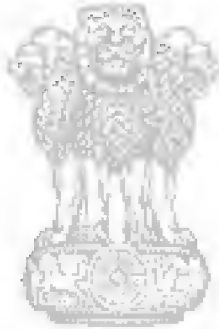
(Sd.) (Isher Dass Gupta)
Deputy Secretary to Government,
General Department.

APPENDIX 12 (Concl'd)

No.GD (Adm) 382/68-SW dated 20-7-1968.

Copy for information and necessary action forwarded to the :—

1. All Secretaries to Government.
2. All Heads of Departments.
3. Divisional Commissioner, Kashmir/Jammu.
4. Secretary, Public Service Commission.
5. Secretary to Governor, Jammu and Kashmir State.
6. Secretary, Legislative Assembly.
7. Secretary, Legislative Council.
8. Manager, Government Press, Srinagar for publication in the Government Gazette.



ANNEXURE 13

SUMMARY

ADMISSIONS FOR TRAINING IN INSTITUTIONS OF HIGHER LEARNING KASHMIR REGION

Community	Medi- cal	Engi- neer- ing	Agri- cul- ture	Veteri- nary	Others (Tech- nical)	Post Gradua- tion exclud- ing those includ- ed in Cols. 2-6	I.T.I	Poly- technics
1	2	3	4	5	6	7	8	9
1. <i>Muslims</i>								
1st Plan	69	62	39	22	..	49	..	78
2nd Plan	231	180	105	57	32	94	..	80
3rd Plan	382	360	153	18	57	148	..	212
	682	602	297	97	89	291	..	370
2. <i>Hindus</i> (Excluding Scheduled Castes)								
1st Plan	28	22	8	19	..	17	..	25
2nd Plan	128	244	166	36	6	89	..	189
3rd Plan	194	234	68	21	26	162	..	427
	350	500	242	76	32	268	..	641
3. <i>Sikhs</i> (Excluding Scheduled Castes)								
1st Plan	6	4	4	5	..	2	..	8
2nd Plan	12	7	16	9	5	9	..	6
3rd Plan	32	24	18	5	4	29	..	34
	50	35	38	19	9	40	..	48
4. <i>Scheduled Castes</i>								
1st Plan	..	..	..	..	..	..	..	..
2nd Plan	..	..	..	..	..	..	..	..
3rd Plan	..	..	..	..	..	..	..	..

N.B.—Only the principal communities are shown in this summary.

APPENDIX 13 (Contd)

SUMMARY

ADMISSIONS FOR TRAINING IN INSTITUTIONS OF HIGHER LEARNING
JAMMU REGION

Community	Medi- cal	Engi- neer- ing	Agri- cul- ture	Veteri- nary	Others (Tech- nical)	Post Gradua- tion exclud- ing those includ- ed in Cols. 2-6	I.T.I	Poly- technics
1	2	3	4	5	6	7	8	9
1. <i>Muslims</i>								
1st Plan	3	9	4	..	..	1	..	7
2nd Plan	13	12	14	..	6	9	..	5
3rd Plan	25	41	14	2	4	11	..	14
	41	62	32	2	10	21	..	26
2. <i>Hindus</i> (Excluding Scheduled Castes)								
1st Plan	25	23	16	17	..	5	..	43
2nd Plan	149	193	90	52	13	69	..	95
3rd Plan	314	287	183	13	46	185	..	523
	488	503	289	82	59	259	..	661
3. <i>Sikhs</i> (Excluding Scheduled Castes)								
1st Plan	1	3	5	2	..	1	..	9
2nd Plan	6	35	39	7	5	3	..	6
3rd Plan	38	49	31	2	8	31	..	31
	45	87	75	11	13	35	..	46
4. <i>Scheduled Castes</i>								
1st Plan	..	..	..	..	..	..	..	..
2nd Plan	..	1	..	..	..	..	..	..
3rd Plan	5	10	1	..	..	..	..	3
	5	11	1	..	..	..	..	3

N.B.—Only the principal communities are shown in this summary.

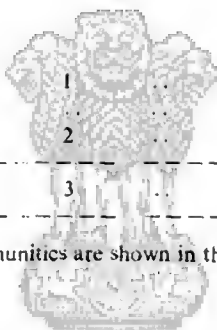
APPENDIX 13 (Concl'd).

SUMMARY

ADMISSIONS FOR TRAINING IN INSTITUTIONS OF HIGHER
LEARNING LADAKH REGION

Community	Medi- cal	Engi- neer- ing	Agri- cul- ture	Veteri- nary	Others (Tech- nical)	Post Gradua- tion exclud- ing those includ- ed in Cols. 2-6	I.T.I	Poly- technics
1	2	3	4	5	6	7	8	9
4. Budhists								
1st Plan	..	1	1	..	..	..	..	..
2nd Plan	4	3	..	..	..	1	..	1
3rd Plan	3	4	2	1
	7	8	3	2	..	1

N.B.—Only the principal communities are shown in this summary.



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APPENDIX 14 SUMMARY

LOANS FOR TRAINING IN INSTITUTIONS OF HIGHER LEARNING
(Community and Regionwise totals during the three Five Year Plan).

(In Rupees)

Community.		Kashmir region.	Jammu region.	Ladakh region.	Total for the State.
<i>Muslims.</i>					
1st Plan ..	..	28,05,000	2,15,000	15,000	
2nd Plan ..	..	58,70,000	3,51,000	..	
3rd Plan ..	..	92,13,500	8,11,500	55,000	
Total ..		1,78,88,500	13,77,500	70,000	1,93,36,000
<i>Hindus (Excluding Scheduled Castes)</i>					
1st Plan ..	..	12,30,000	17,05,000	..	
2nd Plan ..	..	64,32,000	51,61,000	..	
3rd Plan ..	..	70,35,000	91,89,500	..	
Total ..		1,46,97,000	1,60,55,500	..	3,07,52,500
<i>Sikhs (Excluding Scheduled Castes)</i>					
1st Plan ..	..	2,67,500	2,15,000	..	
2nd Plan ..	..	5,06,000	7,06,500	10,000	
3rd Plan ..	..	8,58,500	13,65,000	7,500	
Total ..		16,32,000	22,86,500	17,500	39,36,000
<i>Scheduled Castes.</i>					
(a) Hindus	..	..	..	..	..
(b) Sikhs	..	..	..	..	..
<i>Buddhists.</i>					
1st Plan ..	..	..	..	25,000	
2nd Plan ..	..	..	..	82,500	
3rd Plan ..	..	..	..	47,500	
Total ..		..	..	1,55,000	1,55,000
<i>Others.</i>					
2nd Plan ..	..	..	25,000	..	
3rd Plan ..	..	..	55,000	..	80,000
Grand Total ..		3,42,17,500	1,97,99,500	2,42,500	5,42,59,500

APPENDIX 15

Copy of Article 370 of the Constitution of India

370. Temporary provisions with respect to the State of Jammu and Kashmir.—(1) Notwithstanding anything in this Constitution,—

- (a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir ;
- (b) the power of Parliament to make laws for the said State shall be limited to—
 - (i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and
 - (ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

[Explanation.]—For the purposes of this article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948 ;

- (c) the provisions of article (1) and of this article shall apply in relation to that State ;
- (d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify :

Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State :

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may notify :

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

-
- 1 In exercise of the powers conferred by this article the President, on the recommendation of the Constituent Assembly of the State of Jammu and Kashmir, declared that, as from the 17th day of November, 1952, the said art.370 shall be operative with the modification that for the Explanation in cl. (1) thereof, the following explanation is substituted namely : -

"EXPLANATION. --For the purposes of this article, the Government of the State means the person for the time being recognized by the President on the recommendation of the Legislative Assembly of the State as the Sadar-i-Riyasat of Jammu and Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office".

